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**Legislative Assembly  
of Ontario**

Second Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

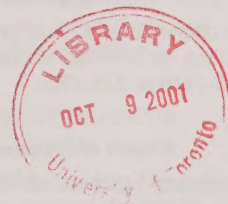
Deuxième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 2 October 2001**

**Mardi 2 octobre 2001**



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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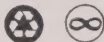
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 2 October 2001

*The House met at 1330.  
Prayers.*

### INTRODUCTION OF MEMBER FOR BEACHES-EAST YORK

**The Speaker (Hon Gary Carr):** I beg to inform the House that the Clerk has received from the chief election officer and laid upon the table a certificate of the by-election in the electoral district of Beaches-East York.

**Clerk of the House (Mr Claude L. DesRosiers):** I have a letter addressed to:

"Mr Claude DesRosiers

"Clerk of the Legislative Assembly

"Room 104

"Legislative Building

"Queen's Park

"Toronto, Ontario

"M7A 1A2."

It reads as follows.

"Dear Mr DesRosiers:

"A writ of election dated the 22nd day of August 2001 was issued by the Honourable Lieutenant Governor of the province of Ontario and was addressed to Ivor Vavasour, returning officer of the electoral district of Beaches-East York, for the election of a member to represent the said electoral district of Beaches-East York in the Legislative Assembly of this province in the room of Frances Lankin who since her election as representative of the said electoral district of Beaches-East York has resigned her seat. This is to certify that, a poll having been granted and held in Beaches-East York on the 20th day of September 2001, Michael Prue has been returned as duly elected, as appears by the return of the said writ of election dated the 28th day of September 2001, which is now lodged of record in my office."

"John L. Hollins

"Chief election officer

"Toronto, September 28, 2001."

**Mr Howard Hampton (Kenora-Rainy River):** Speaker, I have the honour to present to you and the House Michael Prue, member-elect for the electoral district of Beaches-East York, who has taken the oath and signed the roll and now claims the right to take his seat.

**The Speaker:** Let the honourable member take his seat.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 2 octobre 2001

### MEMBERS' STATEMENTS

#### COMMUNITY CARE ACCESS CENTRES

**Mr James J. Bradley (St Catharines):** After unwisely and unjustifiably bringing into effect the closure of the 24-hour emergency department of Hotel Dieu Hospital in St Catharines and the removal of the oncology and kidney dialysis units, leaving Hotel Dieu as entirely a day surgery facility, the Harris government is beginning an attack on the community care access centres around the province, including our own Access Niagara.

The closing of hospital beds means that patients are discharged quicker and sicker to nursing and seniors' homes and to personal residences. The CCAC was established to provide home and long-term care services, but, through the service cuts and budget cuts, essential care is not available to many of our seniors and others.

The \$2.2-billion tax cut for corporations and other tax cuts have left the Harris government with declining revenues. Patients in Ontario are paying the price of these mindless tax gifts to the wealthiest and most powerful people in the province.

To add insult to injury, the Ontario government is once again embarking upon a government advertising campaign that can only be characterized as highly partisan, in this case costing some \$7 million. Patients in Niagara would appreciate that money being invested in health care instead of squandered on self-serving advertising for the Harris government.

#### PROSTATE CANCER AWARENESS WEEK

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** I rise in the House today to support the cause of the Owen Sound Prostate Cancer Support Group, chaired by Colin Campbell, in recognition of Prostate Cancer Awareness Week. These individuals volunteer countless hours of their time to help bring awareness of this growing epidemic.

Prostate cancer accounts for more than all other forms of cancer in men combined, and is the second killer of men after lung cancer. Prostate cancer will affect close to 6,700 men in Ontario this year alone. Almost a quarter of those diagnosed will eventually die from this disease.

The Canadian Cancer Society recommends that men who are in high-risk groups, such as those with a history



of disease and over the age of 50, should visit their doctors for early detection.

It is the most painful of all forms of cancer in its advanced stages. It unfortunately does not present symptoms until it reaches the advanced stages, when it's too late and becomes terminal. That is why early detection is needed. For these reasons, we need to educate people and make them aware of this disease.

The Owen Sound Prostate Cancer Support Group exists with hopes of increasing public awareness and lending support to those who are affected. They are a much-needed group in our community, and we thank them for their hard work.

I congratulate all those involved during the week of September 16 to 23 for a successful Prostate Cancer Awareness Week. I salute your efforts to inform the public and support those people who are living with prostate cancer.

### ONTARIO ECONOMY

**Mr Dwight Duncan (Windsor-St Clair):** We watched yesterday as the Premier of Ontario released a six-minute video across the satellite instead of addressing this House about a very significant issue; that is, the state of Ontario's economy. Let's talk about that for a moment. Prior to the terrorist attacks in New York on September 11, it was very clear—certainly very clear to the working families in my community—that Ontario's economy was beginning to slow down. It was very clear that the Tory tax cuts, the Harris tax cuts, weren't working.

In January of this year we had one major plant close down. The Minister of Labour laughs, but there are 6,000 families on temporary layoff at Chrysler Corp this week alone. I don't think it's a laughing matter. I don't believe that three Ford Motor Co plants shut down in my community are a laughing matter. No government should laugh about that and no government, in our view, ought to be proceeding in the fashion that they announced yesterday.

Their tax cut plan wasn't working. All they announced on the economic side yesterday was to speed up the tax cuts for corporations—corporations that will not be making money this year; corporations that won't benefit from it. It's unfortunate that this Premier and government are stuck in a period of time somewhere long ago. They squandered the greatest prosperity in the history of this province, and now they threaten to drive our economy even further into the ground because of their lack of vision and lack of foresight.

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### LAKESHORE HOSPITAL

**Mr Doug Galt (Northumberland):** I draw the Legislature's attention today to a huge success story in my

riding: the construction launch of our new Lakeshore hospital.

Last Friday the shovels went into the ground, the culmination of a massive planning and fundraising effort. While the province provided some \$25 million to date and will provide 70% of the construction costs, the community has risen to the challenge of covering the other 30%. In fact, we have exceeded the original target. To date, more than \$21 million has been raised in an catchment area of just over 50,000 people, truly an astounding feat.

The design of the new hospital is also the result of a co-operative effort. Staff and medical practitioners at the Northumberland Health Care Centre have had tremendous input into the layout of the new facility. They are also committed to this project in that the staff fundraising drive also exceeded its goal of \$1 million, a feat that surprised even Navion, the fundraising consultants hired to oversee the campaign.

Many people deserve recognition for the excellent progress of this project: the NHCC board of trustees, staff of the Ministry of Health, the fundraising committee, the NHCC staff and management team and the hospital auxiliaries. But most of all, the community is to be commended for the outstanding support they have given to this project.

I'm both humbled and filled with pride by this impressive show of community spirit. I thank all of those involved, and I look forward to a gala opening of the new facility in mid-2003.

### TAXATION

**Mr Gerry Phillips (Scarborough-Agincourt):** The question all Ontarians must ask is, "Why do we need corporate taxes 25% below our major competitors in the US?" Premier Harris announced the start of that plan last night. It will result, according to the government documents, in \$2.2 billion less revenue coming to Ontario. We in the Liberal caucus are fully supportive of competitive taxes, but we do not understand the rationale of why we have to compete with the US with 25% lower taxes.

Jobs are going to be the key issue over the next few months. This does little, if anything, to protect jobs. Our US competitors are going to be in a far better position as they invest in security, as they invest in their education system, and Premier Harris has chosen to compete on the basis of corporate taxes 25% below the US. I would say that our automotive sector, which my colleague from Windsor just mentioned, our tourism sector, our exports sector and I think our retail sector are all going to face significant challenges. Right now they are facing them and will in the months ahead.

But Premier Harris has decided that, rather than invest in the things that are going to help fix that, he's going to have corporate taxes 25% lower than the US. This is a foolhardy policy by a foolhardy government.



## SCHOOLTEACHERS

**Mr Rosario Marchese (Trinity-Spadina):** A brief message to the Minister of Education: everyone knows that public confidence in our educational system is floundering. Our schools are crumbling and our teachers are demoralized, and the public wants you to stop beating up on teachers. They do.

I want to read two examples of two people who have written to me, saying to you that we have a serious problem in our educational system.

One teacher from Kitchener, Mr Blair, says, "I wish to withdraw my membership from the Ontario College of Teachers. I will not teach in Ontario, to protest the government's implementation of Bill 80." He continues, "As a teacher I was expected to develop a program geared to the individual needs of my students, but apparently this does not apply to the government."

Another teacher from Kingston, a Miss Kathleen Jackson, says, "All my life, all I ever wanted to do was to be a teacher. Now I'm not so sure.

"My question for you, Mr Harris, is, what exactly do you expect from teachers in Ontario? I work 10-plus hours every day, five days a week. I work four-plus hours on the weekend. I can't take the day off to play golf. I can't decide not to grade my students' papers. I can't roll over in the morning and decide not to go to work.... And in addition, I will now be expected to complete courses, all of which will contain an assessment component. Where do you suggest I get the time to complete these courses? What about travel expenses.... I am sure that making \$1,800 a month, I will have little left over to pay for courses."

She says, "Maybe next time you implement a program to improve education in Ontario, you'll think about teachers like me and what we do every day."

Think about them, Minister.

## HEALTH CARE FUNDING

**Mr Ted Arnott (Waterloo-Wellington):** Earlier this year I conducted a survey of my constituents in Waterloo-Wellington. The results were tabulated over the summer and I have received strong and clear advice about health care. Here are the results:

"Is the Ontario government managing health care effectively?" Fifty-four per cent of the respondents said no.

"Is the province spending enough on health care?" Forty-six per cent said no and only 30% said yes.

On a more positive note, my constituents reported favourable personal experiences with the health care system in Waterloo-Wellington, indicating a satisfaction rating of 54%.

The responses indicated strong support for my private member's resolution, which called for a restoration of the federal government's cuts to health care, at 79%, and 81% supported my demand for an escalator clause that

would increase federal funding to keep pace with our rising costs.

Recently, concerns about home care funding in Ontario were brought to my attention at meetings with representatives of the Community Care Access Centre of Waterloo Region. As part of a province-wide measure, the provincial home care budget has been frozen at last year's level, while demands for services increase steadily and funding inadequacies mean that home care services in some individual instances have been reduced.

Some patients are receiving less care and some aren't receiving the care they need because they're on a waiting list. With the budget for home care frozen across the province, more patients will need hospital or long-term-care beds, the very expensive and sometimes unavailable options that home care was designed to replace, where appropriate.

It is time for the provincial government to take the steps necessary to address these problems by making sure that home care services are available to all who need them, that provincial home care funding is equitably distributed across the province, and that unnecessary administration costs don't eat into home care services that people need.

## ONTARIO SECURITY

**Mr Michael Bryant (St Paul's):** The cloistered video stunt announcement of Commissioner Norman Inkster and Major General Lewis MacKenzie as Ontario's security czars did not do justice to either of these highly respected Canadians or to the people of Ontario. There's a public thirst for political leadership that requires security in Ontarian's day-to-day lives. The Premier's bizarre video failed that test of leadership.

Incredibly, according to published reports, Major General MacKenzie has not yet been briefed on what role he will play. Regardless, the Premier has not briefed the public on what role he and Commissioner Inkster will play. What is their mandate? Are their recommendations confined to provincial matters, or is this a marshalling of a public relations campaign against Ottawa? Perhaps most importantly, are they working with the federal government to come up with a coordinated attack on terrorism, or is Ontario going at it alone?

Is the Attorney General fulfilling his role as legal czar and constitutional watchdog? Will the scandalized Red Tape Commission, which currently oversees all matters, oversee the work of these security advisors in getting access to sensitive intelligence information? Will the commissioner and major general be releasing a report to the public, or will a secret playbook for the cabinet never see the light of day?

To whom will they report? To the Premier, a standing committee, the Legislature or the cabinet? How will their well-intentioned efforts be held accountable to the people of Ontario? Imagine a royal commission on terrorism being announced by a government without stating its mandate or stating any reportage, any timelines or other details. That's what Mike Harris did yesterday.



When it comes to restoring Ontarians' security, the Harris government has been slow off the mark and now cannot say where it's headed.

### HERITAGE CONSERVATION

**Mr Norm Miller (Parry Sound-Muskoka):** I had the pleasure of attending the annual general meeting of the Muskoka Heritage Foundation last Saturday in my riding of Parry Sound-Muskoka. In the meeting, the importance of volunteers and the stewardship activities in the riding were recognized.

This was a great opportunity to honour the local volunteers and to become inspired by their example during the International Year of the Volunteer. The Muskoka Heritage Foundation recognizes the importance of the environment in our riding and the importance of the natural areas and the built heritage areas that define the unique identity of Muskoka.

At the meeting, I congratulated a local constituent, Maureen Hunt, on receiving the first ever Robert J. Boyer Award. This is a new award created by the foundation's built heritage committee to recognize individuals in the community who throughout their lives have made significant contributions to the unique cultural heritage of Muskoka.

Naming the award after Mr Boyer reflects on his lifelong commitment to the well-being of Muskoka, to its culture and to the preservation of its history. He has been a newspaper publisher, politician, historian and tireless promoter of Muskoka to the outside world. From 1955 to 1971, Mr Boyer served as a Progressive Conservative representative for the Muskoka riding.

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Maureen Hunt has been a dedicated and enthusiastic volunteer in the heritage community in Muskoka for over 30 years. She is very deserving of the first-ever Robert J. Boyer Award.

I'd like to congratulate all members of the Muskoka Heritage Foundation for giving their time, expertise and resources in order to make a difference in Parry Sound-Muskoka.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: In view of the special time that we are experiencing in this world's history, I ask for unanimous consent for all parties to make brief statements honouring Mahatma Gandhi on October 2, today, the anniversary of his birthdate.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? I'm sorry; that was confusing; I'll ask again. Is there unanimous consent? I'm afraid I heard some noes.

### COMMISSIONERS OF ESTATE BILLS

**The Speaker (Hon Gary Carr):** I beg to inform the House that the Clerk has received a favourable report from the Commissioners of Estate Bills with respect to Bill Pr 15, An Act to establish the Sioux Lookout Meno-Ya-Win Health Centre. Accordingly, pursuant to stand-

ing order 86(e), the bill and report stand referred to the standing committee on regulations and private bills.

### STATEMENTS BY THE MINISTRY AND RESPONSES

#### ONTARIO ECONOMY AND SECURITY

**Hon Michael D. Harris (Premier):** Last night I spoke directly to the people of Ontario to reassure them about their families' safety, about their jobs and about the security of Ontario. Today I'm here to inform the House about the actions that we have taken.

*Interjections.*

**Hon Mr Harris:** Ontario's strength is in its people, in our diversity and in our reputation for tolerance. Our province—

**The Speaker (Hon Gary Carr):** Stop the clock. I say to the members in the opposition there complaining that the Premier never makes statements in here, he didn't get out one minute and all you're doing is shouting and screaming like you did last week too. The same thing last week: he got up and it was almost impossible to control you. You screamed for the entire time. Not just one or two, with good-natured heckling, but the entire opposition benches.

Sorry for the interruption, Premier.

**Hon Mr Harris:** Thank you, Mr Speaker.

Our province is also strong because we care about our families and our children's future. Because we have taken action, Ontario will continue to be a very safe place to live.

Yesterday I announced the appointment of two new security advisors to the provincial government: Norman Inkster, retired commissioner of the RCMP, and retired Major General Lewis MacKenzie. They will be working to improve how Ontario deals with terrorist threats. Their suggestions will lead to greater co-operation with other governments and law enforcement agencies, locally and globally.

While Ontarians handled last month's tragedy well, I want to improve our ability to react to large-scale emergencies. That's why I've asked for a comprehensive review of Ontario's capacity to handle emergencies, including: identifying risks, then eliminating or minimizing them; improving emergency plans and training; ensuring that our communication and notification networks are up to date; and drafting recovery and assistance plans for communities affected by emergencies.

We will require all municipalities to maintain emergency response plans and to train their employees. As well, we will work with the owners and operators of large buildings and public facilities to develop appropriate emergency response plans.

If the terrorists hoped to cripple our economy, to undermine our confidence and to destroy our will, we will prove them wrong. We will show them that our



society and our economy are strong, are resilient, and that we will prevail.

We must also ensure, along with our neighbours to the south, that the events of September 11 do not have a long-term impact on our economy or on the well-being of our families. Our economy and our quality of life rely heavily on our close relationship with the United States. Improving cross-border trade has always been a strong priority. Now it is even more important.

In June, Governor Pataki and I hosted the New York-Ontario economic summit, and I believe we must meet again to discuss how we can take action on the recommendations that will be coming forward as a result of that summit's working groups. I've also requested a new meeting with the Great Lakes governors and business leaders to discuss steps we can take to increase trade.

Ours is the longest undefended border in the world. To ensure the free flow of law-abiding people, of legitimate goods and services, Canada must coordinate customs procedures to create a common North American security perimeter. We will either be inside or we will be outside the perimeter. I believe we should be inside. If we aren't, the terrorists win by impairing the cross-border access that is, and will be, so vital to our economic health, and I believe it is equally important to the security of our citizens.

North America's economy is in a cycle of slower growth compared to the last five years; however, Ontario is in a better position now than it ever has been to weather the economic turmoil. Low taxes, reduced red tape and the removal of barriers to business all position Ontario well for future growth, and we have been prudent in our fiscal planning to ensure people can continue to create jobs, which power the economic growth.

We can do more, and we will. On January 1, 2002, we had planned to implement a number of additional tax cuts, including cuts to personal income taxes, capital taxes and corporate income taxes. There are some who have always opposed our tax cuts. Those same people say that we should not proceed with these already announced and planned tax cuts in light of recent events. Once again, they are wrong.

The members on this side of the House believe tax cuts are more important now than ever before. That's why yesterday I announced that we would introduce legislation that would, if passed, cut personal income taxes immediately and help stimulate our economy. These tax cuts will put more money into the pockets of Ontarians.

Take a typical two-earner Ontario family with one parent earning \$35,000 and the other parent earning \$25,000 a year. Ontario's personal tax cuts to date, together with a full implementation of the 2001 budget, including these accelerated tax cuts, will deliver total income tax savings of \$2,345 to that hard-working family. That's money they can use to buy hockey equipment for the kids, put toward home renovations or help pay for that vacation that they weren't sure they could afford.

## 1400

We will introduce legislation to accelerate our planned capital and corporate income tax cuts, including cutting the small business income tax rate to 6%, effective October 1. We are proposing to accelerate these tax cuts because we have enormous confidence in the people of this province. We are confident that their entrepreneurial spirit, that their proven productivity will take us through the short term to long-term gains in jobs and in quality of life.

Today I am announcing some additional steps we will take to protect jobs as well as the safety and security of Ontario families.

The Minister of Consumer and Business Services will quickly introduce legislation to increase security province-wide for documents such as birth and death certificates, keeping safe information that could be dangerous in the wrong hands.

There are many people in Ontario illegally. Some are criminal offenders. We need to locate these individuals. So Ontario will establish a special police unit to assist federal officers in tracking down these criminal offenders and aggressively seeking their deportation. I have asked the justice ministers to work on the details of this proposal and report back.

Many people who are awaiting immigration hearings in Ontario are currently detained in various facilities across the province, including provincial detention centres. Today I am offering to work with the federal government to ensure those individuals who require high security are detained in a maximum-security institution. I have asked the Minister of Correctional Services to work on this initiative and to report back with details.

We will continue to take the strong action necessary to keep Ontario safe and prosperous. As I said in my statement on September 24, our justice ministers and the Minister of Tourism, Culture and Recreation will provide further details relating to these and other initiatives in the coming days and weeks.

As you know, the Minister of Finance will be providing an update on the province's fiscal situation shortly with the annual fall statement.

I want to emphasize the important message that I delivered to all Ontarians last night. Ontario will remain strong. Ontario will succeed. The people of Ontario have our commitment that we will do everything possible to protect their jobs, to protect our economy, to protect our province and to protect our citizens. Thank you very much.

**Mr Dalton McGuinty (Leader of the Opposition):** I want to begin by briefly addressing that part of this announcement regarding immigration. Of course—and I want to make it perfectly clear—we obviously oppose illegal immigration and we support the measures to stop illegal immigration, just as we oppose, and will oppose, anything whatsoever that resembles a witch hunt aimed at all of our immigrants. That is in keeping with the resolution on terrorism that we all unanimously supported just last week.



Now let me turn to yesterday's announcement. The world did change on September 11. The world changed, but sadly, the government has not. It has responded to the most tragic and devastating event in years in the same old way, with the same old approach: top down. Instead of showing leadership by reaching out to the people of Ontario, the Premier yesterday delivered his message from the top down, from on high, via satellite, cloistered in his office, apart from the people and outside of this Legislature, and he responded with the same old tired ideology instead of something innovative and intelligent.

The government's response is to do what it has always done in the same way that it has always done it: reward the government's corporate friends and give working families a couple of bucks. Under the government's so-called economic recovery plan, one which is designed to inspire confidence, presumably, in consumers, this government will give the average Ontario family a dollar a week. At the same time, the government is speeding up a tax cut for corporations that will amount to \$2.2 billion. Remember, this is a tax on profits. So the biggest prize goes to the companies with the biggest profits, not companies that are struggling to stay afloat and to hang on to their employees.

Families are worried about their jobs. Families are worried about their savings. The government's response? A buck a week for families and more than \$2 billion for profitable corporations. Premier, we know that you believe in rewarding your friends. We on this side of the House believe in working on behalf of working families.

The world changed on September 11, and it's regrettable that the Premier and the government have not. This government responds with the same old, same old—the same old slogans, the same old tired ideology, even the same aggravating and tiresome style.

Premier, here is what you should do:

(1) Stop hiding the books from the people of Ontario. Provide us with an updated economic outlook and a fiscal plan. Then we'll know exactly how much money we have to work with so that we can act responsibly and intelligently without risking either a deficit or devastating cuts to health care and education.

(2) Once we all know what's affordable, we can develop some innovative ideas instead of the same old, same old. You can start reaching out to business and labour by holding an economic summit.

(3) Introduce a package of innovative ideas, because there are so many to choose from. We could, for example, accelerate spending on capital projects, particularly near the border. A better bridge or an improved road can create construction jobs and facilitate trade, and we need both. We can invest in repairing and improving our hospitals and schools and universities and our colleges. This sort of capital spending will create jobs and secure what should be our long-term competitive advantages: quality health care and education. We could target tax relief as well at the industries that are hurting the most today, where jobs are on the chopping block.

That's what you could have done, Premier. You could have looked at all of these things with business and

labour, after opening up the books so we'd know what we can afford and what we can't afford. You could have responded to an unprecedented crisis with responsibility, intelligence and innovation. You could have acted to protect jobs instead of profitable corporations. You could have helped working families instead of your friends. Instead, it's the same old, same old. The world changed on September 11, to be sure; unfortunately, this government has not.

**The Speaker:** Further responses?

**Mr Howard Hampton (Kenora-Rainy River):** A week ago members of this Legislature addressed the tragedy of September 11 in a very non-partisan way. We spoke in a very non-partisan way about the issues that needed to be dealt with, about people's fears, about people's anxieties. It appears that that was last week; now the Premier wants to play upon people's fears, play upon people's anxieties, without offering anything real for people.

People across Ontario need to know that in terms of the border controls, in terms of customs and immigration, in terms of the Royal Canadian Mounted Police, in terms of the Canadian intelligence and security agency, none of these things are within the province's control. For the Premier to stand and to try to put across to people that somehow these things are going to be influenced by his television cameo appearance last night or his statement here today is simply playing upon people's anxieties and people's fears.

1410

The Premier talks about a North American security perimeter and he talks about harmonization with the United States. Well, I think the Premier had better explain to the people of Ontario what he means. Does he mean the kind of wall the United States has tried to throw up at the Mexican border, where over the past 20 years the United States has spent billions of dollars, where they have, I am told, in excess of 9,000 border guards and border patrol officers, and yet a million illegal immigrants enter from Mexico every year, and the estimate now is that there are over 11 million illegal immigrants from Mexico? Is that what the Premier means by an American-style security blanket?

The Premier should know, as security experts know, that it is not possible to build a wall around Canada, a wall around the United States or a wall around North America. That is what I find really reprehensible about this: to pretend that this is even an option, when the historical experience in the United States along the Mexican border over the last 20 years suggests that it is not possible, that it is a very wasteful effort and that in fact it's been totally unsuccessful.

I think what the Premier really means is this: we've known for some time that the Premier really does believe in more privatized health care, he really does believe in adopting an American-style system of health care. We know that the Premier really doesn't support public education, that he'd rather have more American-style private education. We know that in general the Premier, in terms

of his statements and his views, would really rather that Ontario were something akin to the 51st state. I have to tell you, Premier, there are lots in this province, and New Democrats are among them, who do not believe that Ontario needs to become akin to the 51st state.

Most of all, Premier, don't play upon people's fears and insecurities and offer them some hope of a security blanket which has been proven not to work everywhere that it's been tried, whether in North America or in Europe.

Then we come to the issue of the thousands of people across Ontario who are worried about losing their jobs, of the communities across Ontario who are worried about losing their industry. What does the Premier offer up? The Premier offers up corporate tax cuts for profitable corporations and nothing for those companies that do not have a profit and therefore will not benefit from tax cuts. People across Ontario need to know that the six big banks in Ontario last year had a profit of \$10 billion, and they will be the overwhelming recipients of the Premier's corporate tax cut scheme.

Meanwhile, corporations like Algoma Steel—70,000 jobs at risk; over two dozen sawmills in northern Ontario which will not make a profit this year—nothing from this; a depressed steel industry generally—nothing from this; A.G. Simpson in the automotive industry, which is in troubled economic times, at least 2,000 jobs at stake—nothing from this.

Premier, both your personal tax cut and your corporate tax cut are not going to do anything to stimulate the economy or save jobs. It's merely another gift to your corporate friends, while people in industries who need help are going to be ignored once again by your government.

## ORAL QUESTIONS

### TAXATION

**Mr Dalton McGuinty (Leader of the Opposition):** My questions today are for the Premier. We are pleased to see that you have adopted some of our ideas that we put forth during the course of the past week, in particular requiring municipalities to have emergency plans and to meet with the governors of the border states.

I want to assure you of our full support with those particular initiatives, but I cannot and will not support your reckless corporate tax cuts. Your plan to stimulate the economy and to inspire confidence in consumers results in giving the average working family in Ontario \$1 a week. You've got \$1 a week for Ontario's working families. But on the other hand, you've been able to come up with over \$2 billion in tax cuts for profitable corporations.

Premier, why are you doing practically nothing for our working families at the same time that you continue to reward your corporate friends?

**Hon Michael D. Harris (Premier):** I actually am quite surprised that the leader of a party that voted against every penny of tax cuts for working families in the province that we've brought in in the last six years somehow or other now is calling for more tax cuts for working families. You can't have it both ways.

It's close to \$2,500 now, every penny of those tax cuts. They're cumulative. Some of them were small and some of them were larger. The cumulative effect of those is now close to \$2,400 to hard-working Ontario families.

You and your party stood up in this Legislature and voted against every single one of those tax cuts. So where do you get off now talking—are you in favour of tax cuts? Do you want more tax cuts? If so, why did you vote against every one that has been brought in in the last six years?

**Mr McGuinty:** Premier, we know where your tax cut agenda has brought us. We've got the slowest economic growth in the country this year, and next year we are forecast to have the slowest economic growth in the country. We've got the slowest growth in employment in the country. That is what your tax cut strategy has delivered to us.

What I am asking you today is, how can you possibly proceed with a corporate tax cut to the tune of in excess of \$2 billion while at the same time telling our working families, "All we have for you is \$1 a week"? Do you honestly believe that to give a working family today in Ontario an additional \$1 every week is somehow going to inspire them with confidence and act to send them on to some kind of buying spree? Why is it that you're able to find \$2.2 billion for your corporate pals, those already profitable corporations, but when it comes to people who are worried about the future and their jobs and their savings, you found \$1 a week?

**Hon Mr Harris:** As I said, I am shocked that last June, when we put these very same tax proposals before the Legislature, you voted against them. You voted against tax cuts for working families. However modest they were, cumulatively we know they've had a dramatic effect. You voted against them. I tell you, the last time I heard such doom and gloom from a Liberal leader I think was Dr Stuart Smith, who became known as Dr Negative, and campaigned with results that were negative too.

All this doom and gloom from you is not helping the economy, and it's not true. This province is better positioned now to grow and to prosper into the future than it has ever been, thanks to the tax cuts we brought in and you voted against.

**Mr McGuinty:** Premier, how would you know what working families are experiencing when you deliver your stone tablets from the top of the mountain rather than come inside this Legislature and debate things in a responsible and intelligent way? How would you know?

Let me bring you up to date in terms of what's happening in our economy. We've got the slowest growth in the country this year. That's what your tax cut strategy brought us. We are forecast to have the slowest growth in the country next year. We lost 17,000 jobs this summer



alone. That's what your economic agenda has delivered to Ontario's working families.

They expected that in these exceptional circumstances you would do something intelligent and innovative. But instead, we get the same old one-trick tax cut pony, which is trotted out time after time. It has got us into the state that we find ourselves in today. It will continue to do the same into the future. Once again, you have left Ontario families in the lurch.

I ask you one more time. You found \$2.2 billion for profitable corporations, and all you came up with is \$1 a week for working families. How do you think you can possibly justify that?

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**Hon Mr Harris:** There is, as a result of the announcement last night, an acceleration of \$150 million in tax cuts for businesses large and small to create jobs, to keep people on the payroll, to stay afloat, to help keep the economy going. But again I am surprised that now, with the cumulative effect of \$2,345 for a typical two-member working family here in Ontario—they now have \$2,345 more in their pocket—you voted against each and every one of those tax reductions. You had no care, you had no concern for the hard-working families in this province when we brought in those tax cuts, and now somehow or other you stand up and feign that you actually care about them or that you're interested in them.

We will continue, as we have, to represent hard-working, taxpaying families. I have not talked to one Ontarian—not one Ontarian—who agrees with your assessment.

**The Speaker (Hon Gary Carr):** New question.

**Mr McGuinty:** My question is for the Premier. Again, let's put this in some perspective, that for every dollar you found for working families, you found two for corporate tax reductions. Your objective here with the corporate tax reductions, as stated in your budget document, is to reduce corporate taxes in Ontario to the extent that they are 25% less than they are for our American counterparts.

The question I have for you, Premier, is: do you really feel that it is appropriate, now that New York state, for example, is on its knees, for you to accelerate your corporate income tax cut so that we can lure more investment from New York at this point in time? Do you really think that's appropriate, Premier?

**Hon Mr Harris:** I think the preamble to your question is an insult to the governor, to Mayor Giuliani and to the people of New York, who have stated very clearly that they will be stronger after the events of September 11 than ever before.

For you to suggest otherwise is absolute nonsense, and let me tell you this: the governor of New York supports 100% the policies of this government toward tax reduction and competitiveness that we articulated in previous budgets—100%. We are of one mind on this; we in this Great Lakes milieu are of one mind on this. For you to insult the people of New York at this time is an absolute disgrace.

**Mr McGuinty:** Premier, I think it's—

*Interjections.*

**The Speaker:** Members, come to order, please. The member for Ottawa West-Nepean, this is your last warning. Last warning for you.

*Interjection.*

**The Speaker:** I don't care. You've been yelling. When I say, "Order," the last person gets caught. You're it. Last warning for you.

Sorry for the interruption. The leader of the official opposition.

**Mr McGuinty:** Premier, don't be afraid to stare it in the face. In your own budget document on page 88, you make it clear that your intention is to undercut your neighbouring states to the tune of 25% through your corporate tax cuts. That's what you said your stated objective is here. All I'm asking you, Premier, is whether or not you feel it is appropriate. It's one thing to say you've got the corporate tax cuts on the books and they'll come into effect at the beginning of next year, but it is another thing to accelerate those tax cuts. The fact of the matter is that we are in competition with New York state. We are in competition with investment. We'd rather have the investment here than over there.

What I'm asking you, Premier, is whether you think it is appropriate at this point in time—

**Hon Janet Ecker (Minister of Education, Government House Leader):** It's about getting jobs.

**The Speaker:** This is the last warning for the Minister of Education and House leader. Now that you're House leader, you're sitting a lot closer to me, and I can hear you very clearly. This is your last warning.

I apologize again for the interruption to the leader of the official opposition.

**Mr McGuinty:** Premier, if the neighbour's barn burns down, you're supposed to roll up your sleeves and offer to help get them back on their feet. What you want to do, Premier, is sell your crops at a rate that's going to undercut the neighbouring farmer. I think that's inappropriate and I think it's offensive. I'm asking you, Premier, to tell me how you consider this aspect of it and how you think it's appropriate to attack the competitiveness of New York state at this particular point in time.

**Hon Mr Harris:** I can assure you that Governor Pataki, the people of New York and the government of New York understand this: a strong Ontario is good for New York, just as I understand that a strong New York is good for Ontario. We both agree. That is why we were the first to get off the mark and to offer assistance, to offer help, do anything we could do for the people of New York. That's also why we continue to work co-operatively toward jobs in Ontario, jobs in New York, why we continue to work co-operatively to improve access across our borders. We know that every new job created in Ontario helps New York. We know that every new job created in New York helps Ontario.

I am pleased to see that for the first time in six years, you seem to understand that we have to be competitive with other jurisdictions if we're going to have our share

of jobs in Ontario. This is a very good admission for you to make.

**Mr McGuinty:** Premier, I'd ask you to focus on the questions I keep putting to you on this particular aspect. There's no issue here. We all understand how important it is for us to be competitive. You and I differ in terms of how we should be competitive. You think the only way for us to be competitive is to undercut our neighbours to the tune of 25% on corporate tax cuts. I'd rather that we be competitive on the corporate tax cut front and at the same time have adequately supported health care and education, and protections for our environment. We think it's important to bring a balanced approach to the definition of competitiveness, one that is suited to the 21st century, one that is suited to us as a society that's trying to develop a highly competitive, knowledge-based economy. So we understand all of those things, which you do not.

What I am asking you here today is something about the ethics, whether you think it is appropriate to accelerate a corporate tax cut which was already on the books, and that is one thing. But for us to do this now, to try to lure investment away from New York state, I think is inappropriate, and I want you to comment on that.

**Hon Mr Harris:** Let me say this: it is only through tax cuts in a competitive economy that we've been able to have the balanced approach and do both. We've been able to put \$6 billion more into health care; we've been able to put more money into education. Had we followed the economic policies that you and the NDP followed, we would not have been able to make up the massive cuts that the Liberals in Ottawa put on us: on our social programs, on our children's programs, on our health programs, on our education programs. So perhaps, with your revelation that we need to be competitive, you will begin to understand that you can't just mouth being balanced; you have to actually demonstrate being balanced by being tax-competitive, by creating jobs, by making sure we can compete with other jurisdictions, and then also by massively increasing health care spending and education spending. So we have demonstrated balance, not mouthed it and then flip-flopped and then voted against it and then talked about it. So I suggest—

**The Speaker:** Order. The Premier's time is up.  
New question.

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Yesterday you finally admitted that Ontario's economy is in trouble and that we are losing jobs. But your response, more corporate tax cuts for profitable corporations and more personal tax cuts for the well-off, is the wrong response and it won't work.

The six big banks had profits last year of \$10 billion and, based upon your corporate tax cut, they will benefit to the tune of hundreds of millions of dollars. Meanwhile, Algoma Steel had no profit, so they will get nothing from your corporate tax cut. Meanwhile, 22 sawmills across northern Ontario, in a depressed sawmill and soft lumber market, have no profits. They will get no benefit from

this. A.G. Simpson, automaker, 2,000 jobs at stake, will get no benefit.

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Premier, we know this will help the well-off, but please, tell us how this is going to help companies and jobs where they don't have a profit now and won't get a tax cut.

**Hon Mr Harris:** Let me, rather than tell you in my own words, quote from those who actually create jobs in Ontario. Canadian Manufacturers and Exporters news release: "Ian Howcroft, vice-president CME Ontario Division, said Premier Harris's announcement making the tax cuts effective immediately 'is the best thing to do in order to help boost business confidence and spur new investment.'" That's how you get jobs, in case you didn't know.

A Toronto Board of Trade news release said much similar. We know that the NDP and the Liberals have a different philosophy about tax competitiveness. We understand that. We saw your demonstration of that for 10 years, and we saw the province go into virtual bankruptcy. So we might as well agree to disagree.

We think our economic policies will produce more prosperity, more jobs, more hope, more opportunity, more money for health care, more money for education, more money to help people who need it, and we've demonstrated that over the last six years.

**Mr Hampton:** Premier, there are 70,000 jobs at stake at Algoma Steel. There are 50,000-plus jobs at stake in sawmills across northern Ontario; A.G. Simpson, at least 2,000 jobs. None of those jobs will get anything from your corporate tax cut. Because those companies are not making enough money, they're not making a profit, they will not get anything from the corporate tax cut. That's the point.

The very jobs that are at risk in this province, the very communities that are having a hard time, will get nothing from this. When you read a press release from some of your corporate friends who are going to get a tax cut, yes, I'm sure they like it. But the problem is, Premier, and the issue is, what are you doing to help the very industries, the very jobs that are in trouble? Your tax cut isn't going to do anything.

So tell us now: what is your strategy to help those jobs that are at risk, those communities that are having a hard time, those very industries that are facing depressed markets? What's your strategy for them, Premier, because you don't have one so far?

**Hon Mr Harris:** I think you know very well. We are at the table talking about the city of Sault Ste Marie and about Algoma Steel and other areas. I understand your strategy is to constantly put money into individual companies. It's a strategy, I guess, that you were talking about when you said a couple of days ago, talking about the last recession, "said Hampton, his government took steps to ensure Ontario residents were protected from the most severe implications of that economic downturn. That is what is needed now, he said." Howard Hampton said, "What's needed now is exactly what we did in the province of Ontario when we were in government."



Seventy-five percent of Ontarians disagree with you and continue to disagree with you at the polls. You were an unmitigated disaster. What about the six million people in the jobs, who are working right now? Don't you care about any of the jobs in the province of Ontario? Why are you trying to recycle the failed policies that you and the Liberals brought to this province that led to the unmitigated disaster of record unemployment, 1.3 million on welfare? Why do you continue to perpetuate a myth that those policies somehow worked?

**Mr Hampton:** Premier, you might want to go up the de Havilland, and you might want to talk to the workers there. Their company is still in existence because a government in 1992 and 1993 had the confidence to invest in them at the very time you said they should go down the drain. You might want to go to the four or five pulp and paper mills that are still working and the sawmills that are still working and all of those industries that had government help to get through tough times.

That's the point, Premier. Your personal tax cut amounts to \$16 between now and Christmas. It won't even buy a CD. Your corporate tax cut is going to all the wrong people. It's going to the people who already have the bulging pockets, the people who already have the money. And you don't have a strategy to help those industries, those factories, those plants, those mills, those workers who are either already laid off or who are very worried that they're about to be laid off and lose their jobs. That's the point, Premier.

Maybe I'll give you one more chance. Please tell us—please tell us—how putting more money in the pockets of corporations who already have a lot of money is going to help those companies, those jobs, who don't have a profit and won't benefit from your corporate tax cut.

**Hon Mr Harris:** The reduction of capital tax affects every business in the province, every company, including Algoma. This is a tax that you seem to think should be increased and tax even those who are not making a profit.

If you look at property taxes, the lowest that they've ever been and the lowest they've been increased—or they've been frozen or gone down—is under the five years of our government. The record property tax increase was under your government. These are taxes that every company pays, whether they make a profit or whether they don't. The record payroll taxes that we reduced for all companies: these are taxes that are a tax on jobs.

I don't know why you continue to perpetuate a myth that your policies that destroyed jobs, that destroyed investment, that put people on the welfare lines, that drove them to the food banks, are the ones that we should follow now. Nothing could be further from the truth.

#### BORDER SECURITY

**Mr Howard Hampton (Kenora-Rainy River):** Premier, today you used the term "Canada must coordinate ... to create a common North American security perimeter." I want to ask you, exactly what do you mean

by that? Do you mean that we should coordinate and simply adopt American immigration policies? Should we adopt American customs policies? Should we adopt American policing policies? Should we simply sign over our sovereignty and say that whatever the United States sets as policy is good enough for us?

You owe people across Ontario an explanation. What exactly do you mean by creating "a common North American security perimeter"?

**Hon Michael D. Harris (Premier):** What I mean is we should get our heads out of the sand and start talking to other countries. We can learn things from other countries that have faced these kinds of terrorist threats before. We can learn from Britain and Northern Ireland. We can learn from Germany. We can learn from the Basque region of Spain. We can learn from India and Pakistan and other countries. The terrorism they have lived with is the kind of life we do not want in Ontario, we do not want in Canada and we do not want in North America.

I think what we should be doing is talking with other countries and learning the best practices. I think we should be talking to the Americans about their practices. I think they should be talking to us about our practices, because I tell you this: if we are not going to have a common perimeter, we are going to threaten Ontario lives and jobs and the economy of this province. If we can work in a practical, co-operative way, get out heads out of the sand and come up with policies that work, we will be safer—

**The Speaker (Hon Gary Carr):** Order. The Premier's time is up.

**Mr Hampton:** Premier, it was you who used the words "create a common North American security perimeter." I just want to ask you. We have seen what the Americans have tried to do on the Mexican border: billions of dollars spent over the last 20 years, thousands upon thousands of border patrol officers and customs officers, and yet the estimation is that a million illegal immigrants come into the United States every year.

Is that what you mean? Is that what you're offering up to people? Is that what you're saying to people while you're playing on their fears? Because if it is, the evidence is everywhere that it doesn't work. The evidence is that if Canada were simply to adopt a common policy—we know what the United States is asking—we adopt their immigration policy, we adopt their customs procedures, we adopt their rules on gun control, we adopt their view of how immigration and all of those issues are supposed to work.

If that's what you mean, then I think you owe it to Ontario citizens to stand up—

**The Speaker:** The member's time is up.

**Hon Mr Harris:** Thanks for the advice.

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#### TAXATION

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Premier. Governments across North

America will be looking at how they're going to respond to the economic challenges. Last night you announced that the most major response by you, I think, over the next few months will be that you have decided that we have to have corporate taxes 25% below our competitors.

Our competitors are going to respond in different ways, some investing in education and other things, but you've decided that the way we will compete, the way we will deal with this crisis, is to have corporate income taxes 25% below our competitors. My question to you is this: why have we decided that we in Ontario, in order to compete in this difficult economy, need to have corporate taxes 25% lower than our competitors in the United States?

**Hon Michael D. Harris (Premier):** I have not said that. I've said that we have to be competitive in our tax rates with the states that we deal with, the countries that we deal with. We have to be tax competitive. We have to be tax competitive for our professionals, our entrepreneurs and our investors. We have to be tax competitive corporately as well. There are many different taxes. Certainly one of the tremendous advantages, for example, that we have that people point out—and I do on a regular basis—is that we don't have the massive payroll taxes for health care that they have in the United States. It is not any one tax; it is the whole collection of taxes and of costs of doing business.

When we took office in 1995, after a decade of Liberal and NDP tax increases, corporations and businesses told us, "If we have to choose between the United States and Ontario to make a buck, to make a profit, to invest, to hire people, we are not choosing Ontario." Now they are saying we are getting competitive, and we intend to keep it that way.

**Mr Phillips:** You said in your budget and the budget documents, "We are going to have corporate taxes 25% below the US," not competitive, "25% below the US." If you look at the economies that are best able to compete, it is those that have competitive taxes and ensure that they've got an environment that also is friendly for business and offers the best labour force.

Again, Premier, you've said something in the House which isn't consistent with your budget. You said, no, you want competitive taxes here, but your budget says that you are implementing a program for corporate taxes 25% below the US. I say to the people of Ontario, who are facing challenges with jobs, facing challenges with their financial stability: how is that we, in order to compete for the future, have decided that we are going to make our most major investment in getting corporate taxes 25% lower than the US? That's not competitive.

Why did you not say that you want a policy of competitive taxes with the US and we will make sure our fiscal house is in order? Why do we want our corporate taxes 25% below the US?

**Hon Mr Harris:** There are different tax rates in different states. There are some states quite frankly we will never get our tax rates as low as, because we do not have the massive oil revenues, for example, of Texas. We

will probably never have lower tax rates than Alberta as long as oil is at the price that it is. We don't have those massive revenues as well. But we do want to be competitive.

It is kind of a moot point, though, as far as your party goes. You opposed every tax decrease that we brought in. You were happy to have the highest taxes. It is really a moot point. If you want to be the highest tax jurisdiction in the world, vote Liberal. If you want to be competitive, vote Conservative. It's that simple.

#### ANTI-CRIME LEGISLATION

**Ms Marilyn Mushinski (Scarborough Centre):** My question is for the Attorney General. Three weeks ago today, we witnessed unspeakable acts of horror. The chilling aftermath has reminded Ontarians never to take our freedom and safety for granted again. I know that families are still concerned about their safety in the wake of the events of September 11. In fact, recently Premier Harris promised to look at ways that provincial legislation could be used to prevent terrorist acts. Could you please explain, Minister, to Ontarians how the government's organized crime legislation could be used to combat terrorism?

**Hon David Young (Attorney General, minister responsible for native affairs):** I thank the member for what is both an important and a very timely question. The primary intent of Bill 30 is to assist victims of organized crime and assist them particularly in relation to activities of criminals who are financially motivated and who are intent upon victimizing the people of this province. The proposed legislation would allow the courts to seize, freeze and forfeit, in some circumstances, to the crown proceeds of unlawful activity in order to assist victims. Bill 30, as it is currently drafted, would give us one more tool, an important tool, to go after unlawful profits including those made by terrorists.

If the bill is passed, our government would use Bill 30, where it is warranted, to protect victims and prevent further victimization. To the extent that terrorist groups engage in unlawful activity to make profit, Bill 30 would give us the means to seize, freeze and ultimately forfeit the proceeds of that unlawful activity.

**Ms Mushinski:** Thank you for that explanation, Minister. I know that the government of Ontario shows that it really cares about victims. We've created a permanent Office for Victims of Crime to advise the government on ways that it can help victims, and we've also taken a leadership role in supporting victims through all stages of the justice system by introducing new programs and expanding support services for victims.

Minister, I wonder if you could explain to this House and to all Ontarians what the government of Ontario has done to assist victims since the September 11 attacks.

**Hon Mr Young:** I thank the member for her question and her supplemental. On the day of this great tragedy, on September 11, our Premier stepped forward and immediately offered the services of the chief coroner to help



in the state of New York. An emergency plan was put in place and we also shortly thereafter came forward to provide a program that offered up the \$3 million to help Ontario families whose loved ones were victims.

Later, a victim response team was established and is drawing on the skills and the expertise—and they are considerable—of the Office for Victims of Crime, and they are coordinating our assistance efforts.

I would like to say as well that we will be working with families, families of those directly affected by this great tragedy, to help them in settling victims' estates. Finally, the victim response team has set up a toll-free hotline. It's available 24 hours a day, seven days a week, and the number is 1-866-406-HELP.

#### ONTARIO ECONOMY AND SECURITY

**Mr Dalton McGuinty (Leader of the Opposition):** Premier, for two weeks you and the Minister of Finance have told us not to worry, be happy, the economy is strong, and then last night you panicked. Without an economic and fiscal update, you sped up your \$2.2-billion corporate tax cut giveaway. That's like being in a car, proceeding down an incline cautiously at night without lights, and then you press on the accelerator. I mean, it's very important for us to know something about the lay of the land, about where it is that we are going, Premier.

How is it that you can proceed with this additional acceleration in tax cuts without having presented to this House, without having a good grip on, an update when it comes to what the economy is doing and what the fiscal outlook is doing?

**Hon Michael D. Harris (Premier):** As you know, there will be a fiscal update. There always is in the third quarter. We'll give you the update after all the second quarter finances and the numbers are in. I can tell you, and the minister has assured you as well, that we have budgeted cautiously and prudently. We have made provisions for growth that could be less than what was predicted in the budget and it certainly appears that's going to be the case for this year. So as soon as the second quarter finances, those numbers, are in, we will have a statement to make.

I can assure you of this: there is the capacity within the finances of the province this year to maintain our spending program, not to exceed it, but to maintain our spending program within the budget and cover approximately \$170 million that it will cost for the accelerated tax cuts. So that gives you a general idea, but the specifics we'll be pleased to share as soon as all those numbers are in.

**Mr McGuinty:** Premier, you will understand, because I've raised this time and time again in this Legislature, that I think the appropriate and responsible thing to do is to produce forthwith an update when it comes to our economic and fiscal outlook. That's the right thing to do.

You will understand, of course, that the economy was experiencing a downturn prior to September 11. You budgeted for 2.2% in growth. We've now discovered that

we are closer to 0.8%, which makes us the slowest-growing economy in the country. Revenues are slowing in terms of the rate they're coming in at, and September 11 acted to further slow the economy. As people are losing jobs, our expenses are going up.

You tell us, Premier, that you've found an additional \$170 million for your accelerated tax cut plan. What I'm wondering now is, given that you've enlisted Messrs Inkster and MacKenzie to come up with recommendations for security measures, how much have you budgeted for those anticipated security measures which we are going to want to implement, of course, at the earliest possible opportunity? How much have you budgeted for those security measures?

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**Hon Mr Harris:** As you know, we have just engaged the two individuals. We cannot prepare a budget until we know what they are going to recommend. We are planning to get started with them, hopefully, later this week. We will be asking them to review our measures. We'll be talking with the federal government. We'll encourage dialogue as well with other governments. But, unlike Liberals and NDP, who just run deficits, we do plan in our budgets for contingencies. Thank goodness we did, because we have a contingency that needs taking care of now. For the security and safety of Ontarians, we think it was important that we allowed for that contingency; as well for competitiveness and jobs and our businesses and our working people. We think it's important, and thank goodness we budgeted for that in our recent budget as well.

#### AGRICULTURE INDUSTRY

**Mr Bert Johnson (Perth-Middlesex):** I have a question for the Minister of Agriculture, Food and Rural Affairs. This being the fourth annual Ontario agriculture week, it is only appropriate that we take a few moments to review this government's policies and activities in this important industry. Please tell the House what our ministry has accomplished since you took over the portfolio last winter.

**Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs):** Before I begin, I'd like to recognize the contribution and the hard work that the member from Perth-Middlesex has done to recognize agriculture in Ontario.

Our government has accomplished many things since I became involved in this portfolio, and certainly sales tax exemption is one of the things. For farm building materials we have made a permanent point-of-sale exemption. Also, we were very quick to recognize the fact of wet weather and depressed prices last year, and the Premier and this government saw fit to provide \$90 million to help our farmers this past spring. That, of course, triggered \$120 million from the feds as well.

We are also continuing to work with our farm and commodity leaders to develop made-in-Ontario solutions

so that there can be some sustainability and a future to one of the largest economic—

**The Speaker (Hon Gary Carr):** Thank you, Minister.

**Mr Johnson:** Minister, since you took over this portfolio last winter, my experience is that you've been very accessible to people in the agri-food industry.

I have also been told that you are eager and that you listen to people's concerns. This summer I was honoured to have you visit my riding of Perth-Middlesex to meet over 30 local, municipal and agricultural leaders. Please tell us what kind of response you received from the agricultural community to our government's policies.

**Hon Mr Coburn:** One of the things that is really outstanding in the agricultural community is a willingness of the stakeholders and those who participate in agriculture and agribusiness to work with us in partnership in developing solutions for the many challenges that agriculture faces in today's economy.

As a result of the consultations that we're undertaking now, I'm very pleased and honoured to tell you that they've worked shoulder to shoulder with me in helping to develop a made-in-Ontario solution. We have many challenges in terms of risk management, food safety and nutrient management. There's a general willingness throughout the agricultural community to work with us to meet some of those challenges and turn them into opportunities that expand our ability to sell our first-rate products here in Ontario and around the world.

#### PRIVATIZATION OF PUBLIC SERVICES

**The Speaker (Hon Gary Carr):** The member for Beaches-East York.

*Applause.*

**Mr Michael Prue (Beaches-East York):** Thank you, Mr Speaker. I hope to get that every time I stand up.

Mr Premier, the question is for you. Yesterday you gave a response to the events of September 11. We were surprised to see that you are not reviewing Bill 65, which allows you to privatize Ministry of Transportation driver examination and licensing. Many people are concluding that September 11 shows how much we actually need government to protect people and act in their interests, yet you are putting sensitive private documentation into the hands of private companies. You are putting driver examinations in the hands of small private operators. You are increasing the risk to Canadians, to Ontarians, to the people who do not need to have their private lives exposed. Mr Premier, will you reconsider Bill 65 in light of the events of September 11?

**Hon Michael D. Harris (Premier):** First of all, let me congratulate the member on his very successful election and offer my personal congratulations as well. I wish the member very well representing his constituents and as part of the caucus that he has now joined. I thought the member was going to thank me as well for calling the by-election when I did, but nonetheless, I'm sure he may want to chat with me privately afterwards.

With regard to providing services, as you know, we are huge supporters of our public sector in the province of Ontario. We've continued to reward them for initiatives with bonuses. We celebrate their successes with the Amethyst Awards, for example, and other awards. We are now being studied by other jurisdictions for how productive our civil service is.

But by the same token, we are also—

**The Speaker:** I'm afraid the Premier's time is up.

**Mr Prue:** Mr Premier, let me give you an example. MTO's licensing and control branch holds vast amounts of very personal information on each driver in the province, things like whether they're being treated for depression or what other health concerns they may have that may affect their driving. We're told that this road to privatization may breach this confidentiality. The consequences of this kind of information falling into the wrong hands are more serious now after September 11. Isn't it time to put ideology aside and keep driver exams and licensing public and secure, like the province has done for the last 40 years?

**Hon Mr Harris:** On the other hand, we are also a government that is committed, at the same time as we protect security, to improving services. For example, when we took office we had to deal with auditor's reports that said things like this—this is the annual report of the Provincial Auditor in 1989—"An individual may change his or her legal name for \$100 and then apply for a driver's licence as if he or she had never been licensed. The driver system has no way to detect such a fraudulent application." Drunk drivers could get another licence while suspended. "We concluded that an individual had three (valid) licence numbers."

So you see, when we took office we had to deal with these things that the auditor had pointed out in the public system that was there. I suggest to you it is not so much whether it is a job performed by the public sector or the private sector, it is the policies of the government. So we are committed to improving service and we are committed to ensuring privacy of information.

#### CANCER TREATMENT

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** — years now that cancer patients are waiting unacceptably long times for radiation treatment. This summer we learned that the waits for cancer surgery are equally unacceptable: 50% of cancer patients are waiting more than five weeks for surgery, 20% wait more than two months. You responded to this incredibly shocking information with the assurance that you were going to solve the problem with your plan to merge cancer centres with hospitals. In fact, Minister, your plan to gut our cancer centres will make waits longer.

That's exactly what you were told last week by Graham Scott, the man you appointed to head Cancer Care Ontario on an interim basis. He said that if you go ahead with your merger plan, waiting times for radiation treatment and cancer surgery will grow and access to



treatment will be unequal across this province. Minister, will you now abandon your plan to gut Cancer Care Ontario and let our cancer centres continue to manage the care of cancer patients?

**Hon Tony Clement (Minister of Health and Long-Term Care):** The honourable member is incorrect in her characterization. But I would be remiss if I didn't share with this House the good news on the cancer care front. On June 1 of this year, for instance, Cancer Care Ontario was able to announce that breast and prostate cancer patients would no longer be sent to the United States for radiation treatment, and indeed yesterday Cancer Care Ontario announced that patients would no longer be referred to northern Ontario for treatment, because of the success of their efforts to treat patients closer to home in a much more humane way. So those have been successes of cancer care here in Ontario.

1500

**Mrs McLeod:** —dealing with cancer patients who need radiation therapy when you know full well how far you have to go to meet the goal of treating 90% with radiation therapy within the stated time of four weeks, which is acceptable.

Today's question, however, is about cancer surgery waits. When that study came out, with its shocking information about how long people are waiting for cancer surgery, you tried to blame it again on somebody else. You said, "It's not a lack of money. That's not the problem. The problem is an inefficient cancer system."

The problem is a lack of money, a lack of hospital beds, a lack of operating room nurses, and a lack of diagnostic equipment. Your plan for so-called integration of cancer centres with hospitals is really just a way of burying the fact that cancer patients have to wait for treatment, because if Cancer Care Ontario is no longer coordinating patient care, is no longer setting standards for care, we won't know how long patients are waiting for treatment. Cancer patients will know.

I ask if you will today acknowledge that the waits for cancer surgery are a direct result of the underfunding of hospitals, and will you target funds for cancer surgery so patients can get the care they need when they need it?

**Hon Mr Clement:** We have and we will. The fact of the matter is that on September 17—granted our focus was on some other things at that time—I was able to announce that \$20 million this year is going to Cancer Care Ontario for additional medical equipment, another \$10 million to Princess Margaret. I can tell the honourable member and this House that since January 1999 there have been 168 new radiation therapists who have been appointed, 50 new medical physicists, 23 radiation oncologists. Princess Margaret Hospital alone has exceeded their target for a 10% increase in treatments, treating more than 12.6% more patients this year, and they will be on track again next year.

That's the good news in Cancer Care Ontario because of the policies of this government. We are concerned about the very issues that the member raises, and yet she draws the wrong conclusions.

## INTERNATIONAL WALK TO SCHOOL DAY

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** My question is for the Minister of the Environment. As we are aware, today is International Walk to School Day. Thousands of students in my riding are making a special effort on this day to walk or bike to school. Walking and biking to school are healthy alternatives to driving. In fact, Mahatma Gandhi, whose birthday the world is celebrating today, walked everywhere, and through peaceful and non-violent means was able to win independence for the largest democracy in the world. Minister, please tell us what we are doing to promote International Walk to School Day.

**Hon Elizabeth Witmer (Minister of the Environment):** The member has highlighted the fact that today is International Walk to School Day. It is an initiative that is sponsored by a non-profit group known as Greenest City. I've had the opportunity to support the Greenest City group in their efforts to encourage children to walk to school. In fact, this group has undertaken efforts to educate not just children but also parents about making good alternative choices.

We know that transportation is the single largest source of smog-causing pollution in the province. So today children and families are encouraged to get out of their cars and to walk to school. Parents are also encouraged to reduce the idling of their motors when they drop or pick up their children at school.

**Mr Gill:** Minister, York University has conducted a study that shows that less than half of Canadian children walk to school and would be happier and healthier if they could walk or ride a bike.

I should also note that the increased traffic around schools poses a risk, as traffic fatalities are the leading cause of death for Canadian children over the age of one. Could you please comment on these statistics and suggest any actions we could take to address them?

**Hon Mrs Witmer:** There was a study that was undertaken by York University. Personally, I was very glad to see that three quarters of the students who were interviewed indicated that they would prefer to walk to school as opposed to riding to school. Certainly as a former Minister of Health, I recognize the tremendous impact of allowing children the opportunity to walk to school. Not only is it healthier because of the exercise but also, if we could take off the streets some of those cars that are driving children to school, it would reduce the amount of air pollution. We will continue to support initiatives whereby children are encouraged to walk to school and continue to support initiatives where parents are encouraged not to idle in front of the school when they park, because we know that even 10 seconds of idling starts to have a very negative impact.

## EDUCATION FUNDING

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. I want to talk

about the effects of your lack of defence and promotion of education within your cabinet, where you've allowed corporate tax cuts to divert resources away from students.

In particular, Minister, you may be aware that there is a new report today, the Secondary School Tracking Report, and in it is something very disturbing. It suggests that 65% of our high schools are not able to have textbooks for the new curriculum. That's 65%, two thirds of students, going without. Two thirds of students are sharing texts, and 92% are having to make do with old and worn textbooks because the priority of this province under this government is not the basic learning chances for students.

Madam Minister, I want to ask you today, in light of this report, will you stand up and fight for students and argue in front of us in this House for resources to make sure they get a fair chance to learn?

**Hon Janet Ecker (Minister of Education, Government House Leader):** Mr Speaker, through you to the honourable member, maybe he has to argue in his caucus for more money for education, but in this government we have indeed put more dollars in public education, increased the investment in public education and in classrooms, because we believe it is so important. And those kinds of investments will continue into our public education system: this year alone, over 300 million new dollars—\$360 million—for education.

I know the honourable member is trying to sort of blow up the figures, but I think we should note that 16% of high schools responded to this survey, so he's talking about a percentage of the 16% that actually responded. I congratulate the parents for the work they have done. We review this information, as we do with information from school boards and all of our partners, at this time of year to set our priorities for funding next year; we will certainly do it with this. But I think he should be accurate in terms of how he casts this picture.

**Mr Kennedy:** Minister, denigrating the parents who put this survey together does you no credit, because you have no figures to show otherwise. Your own figures on funding show that last year you provided \$30 million for textbooks, and this year you're providing 50% less, \$15 million. That's the kind of fighting you're doing for students. Minister, your own brief to your caucus says that parents see there is a lack of textbooks and classroom supplies. So you admit it to these people in private; you won't tell the people of Ontario about it here today.

Madam Minister, we want to know: on your own Web site you only offer textbooks for three subjects—English, math and history. You do not offer textbooks for social science, for history, for a whole range of things. Knowing that 65% of students are going without books, will you be the Minister of Education? Will you stand up today and say you're going to go back to your cabinet and fight for the resources to make sure that every kid in this province gets a chance to learn because they have their textbooks in hand?

**Hon Mrs Ecker:** There's a whole textbook industry out there that's going to be really interested to hear the

Liberal critic say they're only providing books for certain subjects. School boards get more money for textbooks and learning resources. They have the ability to use that money flexibly. They get it through the foundation grant, they get it through special grants, they get it through other programs targeted to particular programs. So there are resources there for textbooks.

Do we need more resources for textbooks? Of course we do. Where has the honourable critic been? This is news to him, that with the new curriculum we need new learning materials? Of course we do, and that is why we have indeed been putting specially targeted money for learning resources for our students.

## BORDER SECURITY

**Mr Bart Maves (Niagara Falls):** My question is for the Minister of Citizenship. Since the acts of terrorism in the United States on September 11, there's been ongoing discussion both in Canada and the United States on the matter of border security and refugees. The federal government has been criticized, with federal Liberal Immigration Minister Elinor Caplan saying there might be changes or there may not be changes to immigration policy.

Minister, Ontario is home to most of Canada's immigrants. What assurances can you offer them in light of these reports?

1510

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** As all members of the House know, the federal government is the level of government that sets immigration levels and admissions into our country and the current Bill C-11 is before the Senate. But there is considerable time left in order for us to participate in discussions on this new legislation. Processing refugees to determine genuine claimants is a sensitive and complex issue. I shall be requesting that the federal Minister of Immigration sit down with representatives from our province so that we can raise some of the concerns that have been raised by Ontario residents.

Unfortunately, some people have been linking immigration to this issue, and that can be somewhat misguided. Canada is a nation built on immigration. We live in a nation, and a province in particular, that promises peace, harmony and a chance for prosperity in a democracy that discriminates against no one. We have welcomed one million new Canadians to this province who have found jobs, tolerance with their churches and their schools. We will—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the minister's time is up.

**Mr Maves:** The question of border controls and refugees is not the only one that has arisen as a result of the terrorism in the United States. There have also been occurrences of threats, harassment and intolerance toward some cultural groups. I understand that you have been meeting with leaders of various groups as a result of



these reports. Would you update the House on those activities?

**Hon Mr Jackson:** Although we have a threat from terrorism, we also have a threat that we must also deal with, and that is attacks on tolerance in our province. So far we've been fortunate not to have too many experiences of this—but I know that we all continue to work hard. I know many of the members of our caucus have met with members of the cultural community, in particular the Muslim community, and reached out to them to give them the reassurances and to let them know that they have the total support of this government, that we will not tolerate racially motivated crimes against our citizens. The Ontario Human Rights Code is one of the strongest in North America and is there for the protection of our citizens. With the Premier, with his statements and the leadership that's provided, this government plans to introduce measures to provide our citizens with added security.

Members of all faiths—

**The Speaker:** I thank the member.

The member for Trinity-Spadina.

#### EDUCATION FUNDING

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. Today, People for Education at Oakwood Collegiate revealed the sorry state of our secondary schools. You obviously know that 65% of the respondents don't have enough textbooks for the new curriculum and half of Ontario's schools have fewer teachers but more pupils. You've refused to meet with People for Education for two years. Why is it that you're so afraid, or at least reluctant, to meet with this, in my view, very important group and discuss the concerns that they're tracking?

**Hon Janet Ecker (Minister of Education, Government House Leader):** Yes, I have stood in this House before and welcomed reports by parents of whatever group in terms of input they believe this government needs to have as we make the funding priority decisions for next year. In this case, 16% of high schools did respond to their survey on this. We are indeed looking at the priorities for funding next year, as we do every year. The honourable member is very familiar with that.

I should point out that this government also this year invested \$163 million in the secondary panel to help with more teachers, to help with the workload. School boards had the flexibility—because they needed it and they wanted it—on how they allocated those resources for extra teachers. Some have used it in different ways. Some have used it for compensation. It is within their purview to do that. We do appreciate that every time one states a fact in here, the honourable members across the way love to turn it into some attack on something.

**Mr Marchese:** I asked you: why are you so afraid and/or reluctant to meet with this group? That's what I asked you. Two years. It is an important group. You can't find some time to meet and discuss their concerns?

You know that our schools are crumbling while your government gives away \$175 million in tax cuts. Our schools and children desperately need that investment. You're giving it away; it's going down the drain to someone else. You know that you spent, yes, \$30 million—in the first two years of our secondary schools—in the reform of the curriculum. But for the next year you've only allocated \$15 million. It's a serious concern, and you know that. With \$75 million alone, you could buy a new textbook for every Ontario student who needs one. Your seedy tax cut won't help parents who are paying \$150 per student in classroom materials alone. We need textbooks, not tax breaks. Will you commit to funding textbooks for Ontario's schools and students?

**Hon Mrs Ecker:** I have met and will continue to meet with parent groups. As a matter of fact, we believe it is important to get the input of parents. That's why we're going to be launching a province-wide survey for all parents to have input into their education priorities.

We have indeed increased money for textbooks this year again. They get money, as you know, through various ways, as I said earlier. For you to stand up and pretend that's the only money school boards have for textbooks, with all due respect, that's not an accurate picture.

Do we need to continue to invest in the new curriculum? Of course we do. That's why every year we have increased money for textbooks, for learning resources, the early reading initiative again this year, more money for learning resources, because we understand that we need to increase resources and investments in public education. But you don't have that money to invest in public education without the jobs, without the prosperity, and that's what tax cuts get you, that kind of income, that kind of investment. The honourable member should understand that by now—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

#### PETITIONS

##### HYDRO ONE EQUIPMENT

**Mr Dave Levac (Brant):** This petition is now reaching into the thousands when it comes to the people who support it in a small community in the county of Brant.

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario has direct responsibility for Hydro One and the equipment owned and operated by Hydro One;

"Whereas the electrical equipment in Brant county is in desperate need of repair, regularly causing disruptive blackouts to the residents and businesses of Brant county; and

"Whereas this equipment was previously offered for sale to the municipality, during which time the

municipality was conducting its own restructuring and was forbidden to purchase the infrastructure by the provincial government; and

"Whereas the municipality of the county of Brant is now in a position to purchase the dilapidated structures owned by Hydro One;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To allow the municipality of the county of Brant to commence negotiations with Hydro One to purchase the infrastructure that lies within the county's borders to ensure that this equipment is properly maintained and to avoid further blackouts to our industry caused primarily by the neglect of Hydro One."

I sign my name and hand the petition over to Simon the page.

#### SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Toronto-Danforth):** I have a petition which reads:

"To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Immediately restore adequate funding and staffing to the Ministry of the Environment;

"(2) Immediately pass into law Bill 3, the Safe Drinking Water Act, 2001."

I will affix my signature to this petition; I support it.

#### PROTECTION OF MINORS

**Mr Bob Wood (London West):** I have a petition signed by 1,024 people, some of the 23,000 people to date who have signed this petition:

"Whereas children are being exposed to sexually explicit materials in many commercial establishments;

"Whereas many municipalities do not have bylaws in place to protect minors and those that do vary from place to place and have failed to protect minors from unwanted exposure to sexually explicit materials;

"Whereas uniform standards are needed in Ontario that would make it illegal to sell, rent, loan or display sexually explicit materials to minors;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 95, Protection of Minors from Sexually Explicit Goods and Services Act, 2000, as soon as possible."

1520

#### HOME CARE

**Mr Rick Bartolucci (Sudbury):** This petition is to the Legislative Assembly of Ontario and it says:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond their control; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing community care access centres to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"That the Legislative Assembly direct the provincial government to provide sufficient funding to community care access centres to support the home care services that are the mandate of community care access centres in the volumes needed to meet their communities' rapidly growing needs; and

"That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year."

Of course, I affix my signature as I am in complete agreement with it.

#### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** I have further petitions from hometown Hamilton. The petition reads as follows:

"Whereas individuals who are tenants or residents in facilities such as care homes, nursing homes or domiciliary hostels under certain acts are provided with a per-



sonal needs allowance to meet incidental costs other than those provided by the facility; and

"Whereas the personal needs allowance has been fixed by the Ontario government at a rate of \$112 for nearly a decade and has not kept pace with cost-of-living increases, and furthermore is inadequate to meet incidental costs such as clothing, hygiene products and other essentials;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately review and amend provincial legislation to increase the personal needs allowance from \$112 a month to \$160 a month for individuals living in care homes, nursing homes or other domiciliary hostels."

Again, I continue to add my support by signing this petition.

#### PROTECTION OF MINORS

**Mr Bob Wood (London West):** I have a petition signed by 976 people.

"Whereas children are being exposed to sexually explicit materials in many commercial establishments;

"Whereas many municipalities do not have bylaws in place to protect minors and those that do vary from place to place and have failed to protect minors from unwanted exposure to sexually explicit materials;

"Whereas uniform standards are needed in Ontario that would make it illegal to sell, rent, loan or display sexually explicit materials to minors;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 95, Protection of Minors from Sexually Explicit Goods and Services Act, 2000, as soon as possible."

#### REQUEST FOR PUBLIC INQUIRY

**Mr John Gerretsen (Kingston and the Islands):** I have a petition here that is of great interest to the residents of my community and it's addressed to the Legislative Assembly of Ontario.

"Whereas Sharon Reynolds, a seven-year-old young girl, died tragically; and

"Whereas the crown's case against Louise Reynolds was not proceeded with; and

"Whereas there are many unanswered questions relating to the circumstances surrounding the death of Sharon Reynolds,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Premier of Ontario and his cabinet colleagues call upon the Lieutenant Governor in Council pursuant to section 2 of the Public Inquiries Act to order a full and independent inquiry into the death of Sharon Reynolds."

I agree with it. I've signed it and I'm handing it to Emma McGuire.

#### COMMUNITY CARE ACCESS CENTRES CENTRES D'ACCÈS AUX SOINS COMMUNAUTAIRES

**Mrs Claudette Boyer (Ottawa-Vanier):** "Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution;

« Attendu que les Centres d'accès aux soins communautaires doivent maintenant collectivement faire face à un manque à gagner de 175 \$ millions en raison d'un gel de leur financement par le gouvernement provincial ;

"Whereas due to this funding shortfall, CCACs have cut back on home care services affecting many sick and elderly Ontarians;

« Attendu que ces réductions dans les services ont principalement été effectuées dans les services d'auxiliaires familiales, ce qui oblige les Ontariens et Ontariennes à recourir à des établissements de soins de longue durée plus coûteux ou à retourner à l'hôpital ;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately institute real patient-based budgeting for health care services, including home care, so as to ensure that working families in Ontario can access the health care services they need."

I gladly sign this petition.

#### PROTECTION OF MINORS

**Mr Bob Wood (London West):** I have a petition signed by 1,024 people.

"Whereas children are being exposed to sexually explicit materials in many commercial establishments;

"Whereas many municipalities do not have bylaws in place to protect minors, and those that do vary from place to place and have failed to protect minors from unwanted exposure to sexually explicit materials;

"Whereas uniform standards are needed in Ontario that would make it illegal to sell, rent, loan or display sexually explicit materials to minors;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 95, Protection of Minors from Sexually Explicit Goods and Services Act, 2000, as soon as possible."

#### ONTARIO PUBLIC SERVICE

**Mr Pat Hoy (Chatham-Kent Essex):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the November 2000 announcement of massive privatization of Ministry of Transportation services will have a significant detrimental effect on citizen road safety, confidentiality of citizens' information and on the economy of Ontario; and

"Whereas the employees of the Ministry of Transportation are recognized in writing by the provincial government to have provided excellent service on the government's behalf; and

"Whereas the government of Ontario is taking away the livelihood and decreasing the standard of living of thousands of employees and families by its actions both directly and indirectly through spinoff effects; and

"Whereas citizens of Ontario are entitled to safe roads, consistency in driver testing, and competent inspection of trucks, school buses and vehicles carrying dangerous goods; and

"Whereas communities continue to need to retain decent-paying jobs if they are to maintain viability and vibrancy; and

"Whereas we taxpayers have entrusted the provincial government with the maintenance of public safety with an apolitical and efficient public service, a service free of profiteering and protected from conflicts of interest; and

"Whereas privatization is an abdication of such public trust;

"We, the undersigned, petition the Legislative Assembly of Ontario to place a moratorium on all further privatization and to restore and promote public service as being of significant value in our society."

I too have signed this petition.

#### PROTECTION OF MINORS

**Mr Bob Wood (London West):** I have a petition signed by 1,008 people.

"Whereas children are being exposed to sexually explicit materials in many commercial establishments;

"Whereas many municipalities do not have bylaws in place to protect minors, and those that do vary from place to place and have failed to protect minors from unwanted exposure to sexually explicit materials;

"Whereas uniform standards are needed in Ontario that would make it illegal to sell, rent, loan or display sexually explicit materials to minors;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 95, Protection of Minors from Sexually Explicit Goods and Services Act, 2000, as soon as possible."

Petitions to this effect have now been presented to this Legislature signed by some 23,000 people.

#### COMMUNITY CARE ACCESS CENTRES

**Mr Bruce Crozier (Essex):** "To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of \$175 million due to a funding rollback by the provincial government; and

"Whereas due to this funding rollback, CCACs have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are mostly in homemaking services, forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for health care services so as to ensure the community care access centres can provide the services that Ontario working families need."

I sign this in support of it and give it to Cynthia Tran from LaSalle to deliver it to the Clerk's desk.

**Mrs Sandra Papatello (Windsor West):** "To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of \$175 million due to a funding rollback by the provincial government;

"Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services so as to ensure that community care access centres can provide the services that Ontario's working families need."

I am happy to submit this on behalf of the people from Burritts Rapids—

**The Acting Speaker (Mr Bert Johnson):** Thank you very much.

1530

#### AIR QUALITY

**Mr James J. Bradley (St Catharines):** By the way, Mr Speaker, I must compliment Stratford on the wonderful season it's had this year despite the difficulties. There has been a problem with tourism, but I know that Stratford has been very successful. Nonetheless, here we go with the petition to the Legislative Assembly of Ontario.

"Whereas the Harris government's wholly owned Nanticoke generating station is North America's largest dirty coal-fired electricity-producing plant and Ontario's largest producer of the chemicals and acid gases which contribute to deadly smog and acid rain; and

"Whereas the Nanticoke plant, which has more than doubled its dangerous emissions under the Harris government, is now the worst air polluter in all of Canada, spewing out over five million kilograms of toxic chemicals each year, including many cancer-causing chemicals and mercury, a potent and dangerous neurotoxin; and

"Whereas at least 13 Ontario municipalities and seven northeastern US states have expressed concerns that Ontario Power Generation's proposed cleanup plan for



Nanticoke is inadequate in protecting the air quality and health and safety of their residents; and

"Whereas the Ontario Medical Association has stated that 1,900 Ontarians die prematurely each year and we pay \$1 billion annually in health-related costs as a result of air pollution; and

"Whereas, because the Harris government has now lifted the moratorium on the sale of coal-fired power plants and has set a date for deregulation of electricity, the operator of the Nanticoke plant will likely stoke up production to maximize profits which will only worsen the air quality in cities like Toronto, Hamilton, Welland, Niagara Falls and St Catharines;

"Be it resolved that the Mike Harris government immediately order that the Nanticoke generating station be converted from dirty coal to cleaner-burning natural gas."

I sign my signature on this.

## ORDERS OF THE DAY

### IMPROVING CUSTOMER SERVICE FOR ROAD USERS ACT, 2001

#### LOI DE 2001 SUR L'AMÉLIORATION DES SERVICES À LA CLIENTÈLE OFFERTS AUX USAGERS DE LA ROUTE

Resuming the debate adjourned on October 1, 2001, on the motion for second reading of Bill 65, An Act to permit the Minister of Transportation to delegate to persons in the private sector powers and duties and responsibilities to deliver services relating to road user programs / Projet de loi 65, Loi permettant au ministre des Transports de déléguer à des personnes du secteur privé des pouvoirs, des fonctions et des responsabilités pour fournir des services liés aux programmes à l'intention des usagers de la route.

**The Acting Speaker (Mr Bert Johnson):** We were in the leadoff I think for the Liberal caucus. There are about 15 minutes left.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I rise to oppose Bill 65 for a number of reasons. Some of those reasons have been cited by the office of the privacy commissioner, the Provincial Auditor and a number of other individuals.

I want to join my colleagues in saying, however, that we in government have done a rather poor job of providing adequate levels of service to those men and women across Ontario who by law are obligated to receive driver testing. For many years that obligation has been the responsibility of the provincial government.

In my area, which is largely rural eastern Ontario, I am hearing more and more complaints from people, young people, who are asked to pony up 100 bucks or 75 bucks every time they turn around for a test, oftentimes having to wait months for the test; in many cases, having to drive 75 kilometres to 100 kilometres for the test; on

some occasions, meeting people not very agreeable for the test. Not a very good show, quite frankly.

If you live in Wilno, in Bissett Creek, in Matawatchan, in Braeside or in Barry's Bay, you've often got a three-, four- or five-month wait and in many cases a very long drive. If you're 16 or 17, that's one thing, but if you are 80 or 82 years of age, it is not a very happy circumstance.

I want to give the department of highways, and I suppose the Harris government—my old friend, our colleague Al Palladini, gets the credit for this, that the changes in the way we test senior citizens, those over 80, have in fact been improved in the last five to 10 years. I want to be fair. I think it is, by and large, better in some respects recently than it was 10 or 15 years ago. But the number of senior citizens who stop me at church picnics or at public meetings and register their complaint about the way this system is operating is quite worrisome. I know that other members from rural Ontario—I see the Minister of Energy is here and I'm sure in South Simcoe he's hearing some of the same complaints.

My friend the minister responsible for the treasury board—is that what Turnbull does now? No, he's the Solicitor General—is quick to point out about all the government does with road-related taxes. I have the 2001 Ontario budget. I just want to remind the House and anybody watching that last year Her Majesty's Ontario government collected \$911 million under the category of vehicle and driver registration fees. We took in more money last year from motor vehicle and driver registration fees—\$911 million—and we project this year about \$925 million to \$930 million. We take in more money in those fees than we will spend on the entire Ministry of Transportation capital budget for this year according to this same budget.

I can tell you what's going to happen when we get this system privatized, particularly if you live in rural and northern Ontario, but particularly rural Ontario. The service, bad as it is now, will be worse because the private sector is going to be interested—take my area, for example. They're going to be interested in Pembroke and Renfrew, where we now operate testing centres. Who do you suppose is going to be interested in Griffith and Quadeville and Madawaska and Chalk River? Or Denbigh or Sharbot Lake? Not very many. The people in those rural communities—whether they're in north Frontenac or southwest Renfrew—pay those fees and charges just like everybody else.

I just want to say, particularly when we had this exchange today in question period about cutting taxes and fees: 925 million bucks we will take out of the pockets of drivers this year on the fee account. What kind of service are we operating? A damn poor service, especially poor in rural areas, and it's going to get worse under this scheme. Because a market-driven privatized system won't give two tinkers' dams about rural communities. And we obligate that "Thou shalt" do certain things under this system. You don't have a choice. We don't have a choice about the fact that we live in a country of four and a half to five months of winter.

The bill sets out provisions as to how the privacy provisions are going to be protected. I don't believe it for a moment. And you know why I don't believe it? I remember the POSO example of two years ago. We as a Legislature did nothing. In fact, people laughed about the fact that 50,000 provincial bank accounts were wrongly, and I believe illegally, exposed to eyes that ought not to have seen them. Was there any retribution? Was there any accountability for that? Nothing. Not a damn thing. There were some pretty prominent private sector players involved in that. I have to say to the Angus Reid Group, good for them because they blew the whistle.

Any accountability? None. Any protection? None. We have a case going in Quebec at the present time. You'll all remember the journalist Michel Auger at le Journal de Montréal who was shot in the parking lot in a gangland way. In the last press report I saw, a key component in how the gang figured out who he was was that they accessed his driver's registration data. Charges, I believe, have been laid against an official—probably a public servant, although I'm not sure—in the motor vehicle registration branch in the province of Quebec. Just a very recent reminder of how important and valuable this information is and what can happen to it when it's in the wrong hands.

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Read the auditor's report. Read Dr Cavoukian's advice. Remember the POSO case. Lovely language in section 9 of Bill 65. What's our track record? What has our attitude been? Benign neglect at best and a hearty laugh when complaints are raised about egregious misconduct, as I believe it was in the POSO case.

I want to return again to my constituents. I am constantly besieged by people who tell me about just what it is they have to do, particularly waiting periods. I know, from talking to other members, that if you're in rural Ontario you've got an above-average percentage of older people. In my county there is virtually no public transit—none. So your car and/or your half-ton truck or your neighbor's half-ton truck or car is absolutely critical if you're going to have any kind of quality of life.

If you live at RR3 Eganville, and your doctor's in Renfrew and your hospital is in Pembroke, you'd better hope you've got a licence or somebody near you has got a licence and a vehicle. The networks that are out there to make sure that older people get to medical appointments and other requirements that they have, if they live in the rural areas, into urban centres like Pembroke and Renfrew, are quite substantial.

I'm not here to defend the sorry state of public driver testing, because it's not a very happy situation and quite frankly it has been grinding down, worsening, for some years now. I just repeat: it's not because the users aren't paying the bucks—almost \$1 billion now annually to the provincial government from drivers for road-related fees and other charges. I'm not even going to talk about the \$2.3 billion we will take this year from the gas tax alone.

Do you know what's going to happen under this scheme? I'll tell you what's going to happen. Just what's

happening up on the 401. You're going to get to pay for the 401 through the gas tax and you're going to get to pay for the 407 through another tax. You're supposed to celebrate that as some kind of an efficiency.

I'm almost alone in my own caucus on this subject of road-related taxes. When John Robarts recommended 50 years ago that the way we should pay for our highway system was not through tolls but rather through dedicated gasoline and road-related taxes, all sides agreed.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** Increase the gas taxes.

**Mr Conway:** No, that's not my point, I say to you, Tilson. I'm saying, if you're going to take on gas taxes \$2.3 billion and on fuel taxes \$600 million and on fees another \$900 million, for a total this year of \$3.85 billion, you spend more than 40% of that take on the purpose for which the tax and fee were charged in the first place.

We're cutting corporate taxes, we're cutting personal income taxes, but we are not cutting these other fees that, in a big, northern and rural province, are to some real degree a function of our geography. Do you know what's happening? The gasoline tax, in a sense a geography tax, is now being expected to carry a greater load of general revenue expenses. Is that the kind of tax policy people in Caledon want? I doubt it. I know in North Perth or in South Renfrew that's not a tax policy that people would endorse.

I'm not happy about high gas taxes, but I will pay them if the revenues are applied to the purposes for which the tax or fee was intended. I am personally sick and tired of listening to corporate executives and others say, "Cut the marginal taxes, cut corporate marginal income tax rates, cut corporate taxes, impose tolls for new highways, but don't be afraid now to take 60% of the gasoline tax revenue and apply it to general government expenditures." Do you know what? If that's the policy, then I say to Tilson and anybody else, you pare back the gasoline tax—but I say it to my own colleagues.

I find there's quite a divide here on this subject between the rural and the urban members, irrespective of their party affiliation. I repeat, at RR3 Eganville you have no public transit. At Bay and Bloor, thanks to the box and provincial, municipal and federal taxpayers, you've got a rather elaborate public transit system, as you should in an urban community as large as Toronto. But my rural constituents want to know when they're going to get \$925 million worth of value on road-related registration and fee matters consistent with what they're paying. Right now—and let me say in a fairly ecumenical way—whether you're Liberal, New Democrat or Tory, in the last 25 years you've been pretty quick to pick the pocket of the motorist and pretty damned slow to put 90 or 95 cents back into the service for which the fee or tax was intended.

There are problems, absolutely. Is Bill 65 going to solve those problems? I think not. I think it is unfair and unjust what it will do to my rural constituents—not just my rural constituents, but rural constituents across the length and breadth of Ontario. I think the bill will not



guarantee in any reasonable way the protection of privacy that it claims to want to do. I think it is going to open up the government to all kinds of commercial pressures that are going to be more about revenue and less about safety than any of us would really like. Quite frankly, I think it reminds us all, in this season particularly, that there are some places where fair-minded citizens say, "There is a role for government," and given the obligatory nature of the driving business, given the rural nature, the very large and complex geographic nature of this province, given the privacy and security issues, surely it behooves this Legislature to think again, to set aside Bill 65 and find more effective and more efficient ways of repairing and improving a public motor vehicle registration and driver testing system.

**The Deputy Speaker (Mr Michael A. Brown):** Questions and comments?

**Mr Gilles Bisson (Timmins-James Bay):** I just want to say straight up, the New Democratic caucus opposed this when it was initially introduced by the government as a means of being able to move driver testing from the public sector over to the private sector, based on a number of arguments that I'll put forward as I give our lead speech on this particular issue.

I must say that we've been very consistent in our opposition to this particular move by the provincial government. We said then, last spring, when this issue was brought forward by the government, that we were opposed. During the summer months, as we went around the province meeting with people, we said we were opposed. We said we were opposed when we talked to private operators, as we said we were opposed when we talked to OPSEU. We say now we're opposed, as we're in the House, because we believe that the public sector is better suited to being able to do this job. The issue is that we have to make sure the system is adequately funded so that we have the staff in place to make sure people can get driver exams.

However, I just listened to the Liberals do their lead speech and I'm wondering a little bit what's happening in the Liberal caucus, because I remember Dalton McGuinty last spring, when this was initially introduced, standing up and supporting the government on the move to privatize driver examinations on the basis that it was going to be better for those who were trying to get their drivers' tests. Now I'm glad to see that they've flip-flopped again, because I saw three or four Liberal members get up between yesterday and today and contradict their leader, Dalton McGuinty, and actually say that they're opposed. So I say to the leader of the Liberal Party, I think you're wrong; I think Mike Harris is wrong. We should not privatize. I say to Mr Conway, I say to other members who got up, I think you're right. The arguments that you make are very valid ones.

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If the system is not working, it's not because it was the public sector's fault; it's the government that reduced the amount of staff in those offices, which led to the issue. It's the government that did not staff up, knowing there

was a graduated driver's licence system in place. And the government's response is wrong. It's not by privatizing that we'll fix this problem; it's by properly supporting the public system.

**Mrs Julia Munro (York North):** I think there are a couple of points here that need to be clarified. The first one is in the area of the concern over government control. There is no question about the continuing role of government in this piece of legislation. It is the government's responsibility to develop policy, introduce legislation and uphold regulation. That is what it does now, and that's what it will do under this bill.

The second issue that I think requires some response is the question of concern over privacy. In fact, the issue has been well documented in a letter addressed to the minister from the commissioner of information and privacy for Ontario. I'd like to take this moment to simply introduce into the record the kind of comments that were made. I quote, "I want to take this opportunity to commend you for the attention paid to privacy and access in the recently introduced Bill 65, the Improving Customer Service for Road Users Act, 2001."

It continues, "The manner in which private service providers have been made subject to the Freedom of Information and Protection of Privacy Act is laudable. I am particularly supportive of the provision that will require service providers to appoint a privacy officer. This will provide additional assurance that existing privacy rights enjoyed by Ontario citizens will not be diminished through this process."

"This legislation, as well as the process through which privacy has been addressed, will serve as a good example to other government institutions in the event they decide to provide services through private service providers."

This speaks to that issue.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I too am concerned with the privatization of this service to the public. I just have to remember when the government decided to privatize the X-ray clinics. At the present time we opened up quite a few in Ontario, but all of a sudden they're closing them all down because they are a money-grabber. In this case, we know very often, when we look at the colleges' testing that they have to do of these students before they are admitted, very often they are asked to come back and to come back again because there's a \$100 fee every time.

In this case, I wouldn't be surprised if whoever gets the licence to operate those driver testing sections will also become the owners of driving schools and clinics, and if you don't take the courses from them, the chances of passing the test will be very, very slight.

I'm really concerned. When I look at the cost, the implementation of the cost to the people they will be trying to assess, I'm quite concerned.

Also, when I look at the LCBO at the present time, the government was talking of privatization of the LCBO. But the government is making over \$675 million a year with the LCBO and was saying that we should privatize this section.

So once again, for the security of our Ontarians, I don't think it is a good move by this government to privatize the driver testing clinics in Ontario.

**Mr Bert Johnson (Perth-Middlesex):** I just wanted to put my comments on the record, because I wanted to tell the member for Renfrew-Nipissing-Pembroke that our ridings aren't that dissimilar. He has many small locations in that huge county of Renfrew that he's concerned about getting the test for. I don't accept his argument that that will be any worse. I would hope that it will be better. When I say that, he mentioned North Perth, and I live in that part of Listowel in North Perth. I think I mentioned it before, and he probably knows well that for both the young people who are graduating from high school and are at that driving age and the elderly, the ones who are 80 years old, maybe it takes half a day for them to go to Stratford after they have an appointment, which takes a long time, to get that test. It's a burden and a hardship on those constituents.

I hope this change by Bill 65 will improve that. He's quite adamant that privatization will not encourage that, and I hope that if the process in itself doesn't, the influence this government, particularly the Minister of Transportation, has on the system makes it better, because if I'm not assured that it improves the system, then I'd be very hesitant to vote in favour of it as well.

**The Deputy Speaker:** Response?

**Mr Conway:** Very briefly, listen, I'm the first to admit that the system we've got is in bad shape. Like everybody here, I hope it gets better. It's hard to imagine it getting any worse. My complaint, as somebody who lives on the highways of the province, is that we are this year going to take over 900 million bucks out of road users for motor vehicle registration and related fees. We're sure as hell not giving them \$900 million worth of value for that tax. So, like the member from Perth-Middlesex, I hope and I pray that it gets better. I don't believe it can get any worse, although there are issues here that give me great pause.

The one example I want to reflect on is the CCAC model. I remember Jim Wilson. I'm sure he was well-motivated, that what he wanted to do when the new government took office six years ago was to get the private sector involved in an RFP process to see if they couldn't bid down the cost of a lot of the services under the umbrella of the CCAC.

It might have worked for a year or two, but if you go and look carefully at some of the really significant inflationary cost pressures in your neighbourhood CCAC today, you're going to find out that—guess what has happened? You've now got markets. You've either got private monopolies or duopolies, and the per-unit price has gone up sharply in many cases. Service has gone sideways. We are at least as far back now in many of these areas as we were five years ago. And guess what? In the rural areas, there are very few people who want to bid or offer.

And remember, under the Highway Traffic Act, in this business of concern under 65, we mandate that thou shalt do certain things.

**The Deputy Speaker:** Further debate?

**M. Gilles Bisson (Timmins-Baie James):** C'est avec plaisir que je prends la chance de donner le point de vue du Nouveau parti démocratique faisant affaire avec cette initiative que le gouvernement met devant nous cet après-midi.

Le gouvernement nous dit simplement que présentement, quand un individu de la province de l'Ontario va chercher son permis de conduire, il y a une grosse ligne d'attente pour être capable d'avoir les services. Je ne pense pas qu'il y ait un membre de l'Assemblée, sur un bord de la Chambre ou l'autre, qui n'est pas d'accord qu'il y a un problème. La question est, pourquoi a-t-on un problème? Deuxièmement, qu'est-ce qu'on va faire pour être capable de trouver une solution?

Si on est tous d'accord qu'on trouve que c'est inacceptable que les individus de cette province ont besoin d'attendre quatre, six, huit et dix semaines et, en certaines instances, 12 semaines—je l'ai vu—pour aller chercher leur permis de conduire pour avoir l'examen nécessaire avec le ministère, si on accepte que ce n'est pas acceptable, ça devient, c'est quoi, le problème?

**1600**

Le problème est très simplement ceci: si on se rappelle la raison qu'on a les lignes qu'on a comme celles-là, c'est pour deux raisons. La première raison, numéro un, c'est parce que quand le gouvernement conservateur a pris le pouvoir en 1995, si on se le rappelle, ils ont réduit par des nombres très importants le nombre de personnel qu'on a dans les ministères du gouvernement de l'Ontario, y inclus le ministère des Transports. Ça a eu un effet sur les services qu'a le public quand ça vient à leur chercher les services de la province. Donc, premièrement, le gouvernement provincial a réduit par des nombres assez importants le personnel qui est en place pour être capable de donner les services au public.

Deuxièmement, le gouvernement provincial de Mike Harris savait qu'il y avait en place une loi qui avait été passée par le gouvernement provincial NPD de Bob Rae qui s'appelait «the graduated driver's licence system». On savait, après une période de cinq ans qui devait commencer en 1996, 1997, qu'il allait y avoir beaucoup plus de monde qui allait venir pour leurs examens parce que, après cinq ans de conduite, il était nécessaire de venir chercher un examen du ministère, et le gouvernement provincial savait qu'on était pour avoir un surplus de personnes d'appointées au bureau du ministère des Transports.

Nous, on l'a su comme gouvernement parce que c'est nous qui avons introduit la loi, et notre plan était d'introduire plus de personnel au ministère pour être capable d'aller chercher la capacité dans le système pour répondre à la demande. C'est pour cette raison que nous, on croyait qu'on avait besoin d'augmenter le personnel pour être capables de résoudre le problème.

Le gouvernement provincial a dit non. Ils sont allés dans la direction opposée. Ils ont, premièrement, réduit le nombre du personnel au ministère des Transports et,



quand ils savaient qu'ils pourraient avoir une augmentation sur la demande, ils n'ont rien fait pour être capables de répondre à la demande. À place, ils ont réduit le personnel. Là, ils nous disent, «Il y a une crise. Les lignes ne sont pas acceptables et il faut faire quelque chose pour réparer le problème.»

Mais je dis simplement au gouvernement, je dis au ministère des Transports et je dis au premier ministre, écoutez, c'est vous qui avez causé le problème. Venir nous dire que la seule manière de se trouver une solution, c'est de privatiser le système, écoutez, c'est pas mal long, ça, entendre parler de cette manière de cette solution. Moi, je dis comme sociodémocrate du Nouveau parti démocratique que la solution n'est pas de privatiser. À place, c'est de s'assurer qu'on a le personnel en place au ministère, dans le secteur public, pour faire la job, point final.

So I say to the government, it's your own fault. You're the ones who created this mess in the first place.

When the government came out last spring and said, "We will move to privatize the system of driver examinations because there are unacceptable lineups," and we all know what those lineups were and we'll talk about that a little bit later, "of people trying to get in for testing," it was really interesting how the parties reacted to that announcement.

The Premier's party, the Conservative Party of Ontario, got up and said, "We will privatize." We New Democrats said, "No, that's not the answer. The problem is that you've reduced the amount of staff at the Ministry of Transportation, causing this problem of having more lineups, and you knew there were a bunch more drivers in the system through the graduated system that we introduced, so you did nothing to meet the demand. Instead, you reduced the amount of staff. So you caused the mess and now you're trying to blame the public sector as being responsible." I say that's wrong, and it's mean-spirited on the part of the government to try to blame the employees, because they didn't create the problem. You did.

When you made that announcement, we in the New Democratic Party immediately said that the response, the solution, is not to privatize but to properly fund our public system and make sure we have capacity within the public system to meet the demand.

What's interesting is what the Liberals said when they first heard of this announcement, and I go back to the National Post on June 1, 2001. It's interesting, because there were all kinds of stories in the media the day the government made this announcement. Let's read what Dalton McGuinty had to say in his press conference. Dalton McGuinty, the Liberal leader, welcomed the change because "the current system is inadequate." So Dalton McGuinty agrees with the Premier that it is the public sector's fault. I think that is really telling of where the Liberal leader is coming from when it comes to his belief, because there is no difference. Dalton McGuinty, when it comes to most policies of the government, agrees with the Tory government because down deep Dalton

McGuinty really is a small-c conservative. He's certainly not a progressive Liberal.

It goes on to say, in this article, "The current services are inadequate" says Dalton McGuinty, "with long lineups, limited hours of operation and uneven customer relations." The Liberal leader said the service at provincial driver's licence offices could not get any worse. "We've had many, many complaints about the lengths of time it took to get a test, about the way they had been dealt with over at the licence bureau," Mr McGuinty said," and basically went on to talk about how privatization is such a wonderful thing. I say shame on the Tories and shame on the Liberals—shame on both their houses—because quite frankly that was not the response.

What is so beautiful about being a Liberal is that the Liberal leader can say to the media, "I'm in favour of privatization," but then the Liberals come into the House and say, "We are opposed." Man, they're trying to have it both ways at the same time from here to Sunday. I say to the Liberals, please make clear what your position is. I understand where the Tories are coming from. They're saying privatize. At least I know where they're going. I don't agree. It is in the wrong direction. I believe the issue is, you created the crisis so therefore you should find the solution by undoing what you've done wrong.

But the Liberals try to have it both ways. I'm sure if we listen to the Liberal position six months from now, at a board of trade meeting that maybe the Liberal leader will be invited to speak to, at a chamber of commerce meeting or wherever it might be, he'll probably say, "Oh, I'm in favour of this privatization of driver examination." It is constantly flipping. Depending on the audience they talk to, they say, "We're for it," and then, depending on the next audience, they say, "We're against it." I say to the Liberals I have a hard time trying to accept any of the points that you put forward because I don't quite believe that you guys really understand what your position is.

**Mr Dominic Agostino (Hamilton East):** If we were ever on the same side, we would be in trouble.

**Mr Bisson:** We know that would be the case for us as well.

I say to the Liberals, listen, you can't have it both ways all the time. Maybe you can. Maybe they figure they can fool most of the voters all of the time. I tend to believe that you have to have integrity in this position. You have to have integrity. You have to be able to say, "This is what I stand for. This is where I'm going to go," and be clear about your position so that the voter clearly understands what options are when they go to the ballot box and what they can expect from their politicians.

The Tories I don't agree with. I say again, man, they're going the wrong way. But at least I know which way they're going. The NDP some people would agree with, some people would disagree with. But at least they understand where we are going. But I'm telling you, when it comes to Liberals, it doesn't matter what day of the week it is. It doesn't matter if it is a Friday, a Thursday or a Tuesday. It's like one day they're for it, the next day they're against it. I imagine they'll go to

OPSEU local membership meetings, the Liberals, and they're going to say, "Dastardly. This is terrible. This is awful."

**Mr Agostino:** Remember the Agenda for People?

**The Deputy Speaker:** The member for Timmins-James Bay has the floor. No other members should be participating in the debate.

**Mr Bisson:** Thank you very much.

I just say the last point of this is that the Liberals will go to an OPSEU membership meeting and say, "This is awful. This is terrible. We think that privatization of driver examination is terrible." You know what's sad? Some of those OPSEU members will actually believe that what you say is true. Then they're going to go off to the chamber of commerce meeting and say, "Privatization is the answer. That's the way we've got to do it. They didn't get it right under the public system, so let's privatize." I think people, when they come to the issue of being able to make up their minds about who they should support around policies, should at least have the benefit of knowing who's consistent and who's not.

Let me go back to the examples that I want raise in regard to the whole issue of privatization. The mantra of the provincial government is a very simple one. The mantra says, "If it's in the public sector it doesn't work, and somehow or other the only way that things can be done properly is to have it in the private sector." As a New Democrat, I want to say that is not the case. I want to give you just a couple of examples, OK?

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The government says to us, "Listen, Hydro is a mess. The only way that we can fix the Ontario Hydro problem that's happening in that public corporation is to, first of all, deregulate the system and get rid of it and put it into the private sector." That's the position of the Tory Party. I say it's wrong. Don't just believe me. Take a look at all other examples out there where they've gone out and privatized and deregulated hydro. The Tory government says to us, "By privatizing, we are going to be able to provide for better prices to consumers." Let's take a look at what happened in the United States. Hydro prices in the United States, depending on what jurisdiction you're in, are anywhere from 20% to 140% higher than they were before hydro deregulation started in the United States—and in Canada as well. So it's been completely the opposite effect. Privatization in itself has not been the solution.

Were there problems at Ontario Hydro? Sure there were. Ontario Hydro, prior to the 1990s, I would argue, had made a number of serious mistakes. One was Darlington. The construction of Darlington was way over budget, as far as what it was supposed to cost and what it came in at. The New Democrats, in opposition at the time to the then Tory government that decided to build Darlington, had said that you shouldn't go ahead with that project because of the big uncertainty that there was around the whole issue of cost, and as well that building the project well had some environmental concerns at the time.

The government went ahead and did it, and as a result we ended up with the largest debt at Ontario Hydro in the history of that crown corporation. As a result of all that, hydro prices started to rise in the province of Ontario—yes, under a public system. But when the Rae government got elected in 1990 and inherited that mess from the Tories, what did we do? We didn't say, "The answer is to privatize." No, we fired the CEO—or got rid of the CEO; let's be nice—and brought in Karl Morin-Strom in order to be able to set directions within Ontario Hydro so that we could break down some of the culture that existed at Hydro that caused many of the decisions that were made which were making Ontario uncompetitive to do business in because of hydro prices.

We in the New Democrat Party understand the basis of having a good economy is making sure you have a strong infrastructure and that those basic things that you need to do business with are available, are constant in supply and are as cheap as humanly possible to provide.

We gave direction to Hydro to get their act in order. Our ministers of energy, Mr Bud Wildman at one point and then Mr Brian Charlton, played significant roles in working through the problems at Ontario Hydro within a public system to be able to find a way to get that house in order.

Were the unions happy with us when we did that? Of course not. I remember the Power Workers' Local 1000 were mad as heck at a number of initiatives we had at Ontario Hydro. But if you look at what happened to Ontario Hydro from 1990 to 1995, the whole industry, the whole corporation was turned upside down. We managed to break the culture within Ontario Hydro, fix the problems within that public corporation and, in fact, froze hydro prices in 1992. They were never increased again until the Tories came to power—pardon the pun.

That was built up by the Conservatives building Darlington. The debt was there when we got there as the NDP and we're the ones that got it under control. I say there are options a government can take to deal with what are problems within the administration of services they're responsible for. I use Ontario Hydro as an example. We didn't privatize Ontario Hydro as a government because our belief as social democrats is that the crown does have a positive role to play when it comes not only to providing services to its citizens, but providing basic infrastructure to its society and its economy.

We fixed the problems within Ontario Hydro to deal with the issue. We didn't privatize. As a result, hydro prices were stabilized in the province of Ontario. We did not have a hydro rate increase from, I believe, 1992 until the time the Tories took power. I think in 1999-2000 the Tories then allowed power prices to go up as they moved toward a private competitive system.

Why did they do that? Because they understand that the example of what's happened in the United States has led to higher prices in hydro. So they're allowing the prices to go up under the public system now in order to be in a position to say, "Those increase weren't just because of the private sector. They're because of what's happened under the public sector."



So it's a question of ideological belief. The Tories believe the private sector can do it best; we believe the private sector, yes, does it best in many circumstances. I agree that the private sector should run private corporations such as mining outfits, lumber companies, car manufacturing plants and small businesses. Those are best run under the private system and nobody in my party argues otherwise. But we believe as New Democrats that the government has a role to play when it comes to providing basic infrastructure to citizens and to business. Many times that does mean, yes, to do that under the guise of a crown corporation or under the public service. So I say to the government there are other options.

The point I make with Hydro is we had a choice in 1990. We could have privatized or we could have fixed it. We decided to fix it and it worked. You guys have a choice with Ontario Hydro now, and your choice has been to privatize. Mark my words: hydro prices will increase. In fact, this summer Falconbridge, the largest utility customer for Ontario Hydro in the province of Ontario, is deathly afraid of what's going to happen to their hydro rates next summer as we move into the private system. They've had a taste of it this summer, because they're buying hydro on sort of real-time pricing. Because of the size of customer they are, their prices aren't the same, as far as rates, as the normal consumer; they buy real-time pricing power. So it means if Ontario Hydro, the public utility, is able to provide power to the customer at X dollars per kilowatt, four cents—it's actually about seven cents a kilowatt—that's the price they will pay. But if Ontario Hydro doesn't have the means to supply that out of our system and they buy it through the United States at a higher rate, they must pass the entire cost on to the private corporation. In this case, real-time pricing at times pushed hydro prices for that corporation up significantly. They went from paying seven cents to 12 cents a kilowatt to over \$100 per kilowatt this summer and had to shut down the mill operation because they couldn't afford to operate with those types of hydro prices.

Why did they pay higher hydro prices? It wasn't the public Ontario system that caused the problem; it was our having to buy power from the private system in the United States that has been privatized and deregulated. It didn't work. Hydro prices have gone through the roof. You just have to look at all the other jurisdictions in the States to know that.

I have a lot of respect for and work well with the people at Falconbridge, with Claude and others who are there. I have a good relationship with the management and workers through CAW over there, people like Ben Lefebvre and others. But both the union and management are telling me the same thing on this issue. They're saying, "Once you move to privatize and we end up in the private system next summer, we're very fearful that the price of hydro is going to go through the roof and be in a position where it could shut down part of the operations in the city of Timmins and we'd be forced to move our operations to Manitoba or Quebec, where there is a constant supply of power in a better system."

I use that as an example to say it's not necessarily by moving over to the private system that we're going to be in a position to provide better prices.

I want to give you another example of where private versus public is not necessarily the case. This is an example where the province of Ontario has moved to privatize highway maintenance in Ontario.

*Interjection.*

**Mr Bisson:** I hear the Minister of Energy across the way coming into the House. I'm glad he was watching TV and saw what I was saying. I know he had a bit of a problem.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** On a point of order, Mr Speaker: There isn't one thing he has said about the system that's accurate.

**The Deputy Speaker:** That is not a point of order. Sit down. Member for Timmins-James Bay.

**Hon Mr Wilson:** First of all, get the company down here—

**Mr Bisson:** First of all, Mr Speaker, it's not even a point of order, but it's not true. He says, "Get Falconbridge to come and tell me that." I'll give you the letters from Falconbridge. Those are the people who are telling me exactly what's going on. They're saying they are fearful of what's going to happen once we move over to the private system. They understand what that means to their bottom line, so—

*Interjection.*

**The Deputy Speaker:** The Minister of Energy will come to order.

*Interjection.*

**The Deputy Speaker:** Minister of Energy, I'm going to name you. The member for Timmins-James Bay.

**Mr Bisson:** Thank you very much, Mr Speaker.

Anyway, I made my point about Ontario Hydro. What I'm saying is that you do not necessarily fix a problem by moving it over to the private system. I'm saying, along with my leader, Howard Hampton, and other New Democrats, and along with people who work for companies like Falconbridge and others, that the move to privatization in Hydro will not do what the government says it does. It's not going to lead to lower prices; it won't lead to stable prices. We fear it's going to lead to higher prices. It's not just me saying that; it's companies like Falconbridge and others. If the minister doesn't like that, he has the power to do something about it. Let's fix it.

The point I'm making related to this is that the government wants to privatize driver examination. So they say we're going to save money and the private sector will do a better job. Well, let's look at what the Provincial Auditor of Ontario had to say in the 1999 auditor's report when it came to the privatization of highway maintenance, something that the Ministry of Transportation is responsible for.

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Here is how the system used to work. Prior to the government's privatizing the highway maintenance system, that is, snowplows that go out to clear the snow

off our highways, we had a mixed system: 50% of the work was being done by the private sector and 50% of the work was being done by the public sector. Why did we do it that way? There was a reason. We said, "The government of Ontario does not want to be in a position of holding all the equipment that it needs at all times to be able to clear every eventual snowfall that we may get across the province of Ontario, so let's put some capacity in the public system so we can do the more or less routine maintenance that we need to do on our highways, be able to respond to what we would normally expect, but then keep the private sector on standby to do other work so the ministry doesn't have to shell out the capital dollars to buy plows and hold on to staff and do whatever." So we had a mixed system. We had the private sector and we had the public sector, in co-operation, doing the maintenance of our highway, snow removal.

Here's the beauty of that system: by having the private sector in competition with the public sector, there was a bit of a friendly competition that went on. The public sector knew, "Hey, we've got to do our job better because we're being watched not only by our own bosses within the provincial government, but also the private sector is there and they are being measured on the work that they're doing and we have to stack up against them," and vice versa to the private sector.

The other point was that by having the private sector in competition with the public and not having a monopoly, they had to keep the prices in check. They didn't have us as a hostage, where they are the ones with the snowplows and when the snow comes the private sector operator says, "Cough it up. There's a snowfall." The government says, "We don't like that." They say, "Go get somebody else." We say, "There is no one," and there is nothing we can do about it. So the prices were kept stable by having that mix of private versus public.

The government moved to privatize the entire system. The interesting thing is this: the then Minister of Finance, Ernie Eves, stood up in this House to answer a question that I put to him, which was, "How much are we going to save by moving to the private sector?" It was a very simple question. They eluded the question. They didn't want to answer it. I said, "What is your goal?" I was told by the Minister of Finance, by the Minister of Transportation and by the Premier, "If we can't save 5% for the taxpayers of Ontario, it's not worth privatizing."

Let's take a look at what the auditor had to say when he did his report back in the 1990s.

**Mr Rosario Marchese (Trinity-Spadina):** You believe the auditor, don't you?

**Mr Bisson:** The auditor is the fellow that we in the Legislative Assembly hire, along with his staff, to go out and audit the books of the province of Ontario but, more importantly, to measure the performance of the ministries to find out if they're doing exactly what they say they're doing.

Let's take a look at what the auditor had to say. In that report, I thought the auditor was very conclusive in his

comments. He basically said the following—this is on page 236 of the public auditor's report: "The ministry had not achieved the target savings of 5% on the four outsourcing contracts we reviewed." This is two years later, and you haven't managed to even save 5%. "Subsequent to awarding highway maintenance contracts, the ministry engaged the contractors to perform additional work without tender"—this is for additional work above highways maintenance—"and offered these contractors surplus ministry vehicles and equipment without going through the required public auction," which is a different issue. The point is there was not accountability within the system, but the more important issue is we didn't save the money for the taxpayer.

If you go on to read the auditor's report in some detail—go back and read this—on page 241, under "Potential Alternative Service Delivery Savings," it goes on to say, "Estimated Potential Annual Savings." Get a load of this. For area maintenance contracts in that year, there was an increase of 11% to the taxpayer. We didn't save money; it cost us more money.

I say to the government members and I say to the Minister of Finance of the day, who is now on Bay Street: man, that's the most interesting bit of finance arithmetic I've ever seen. He stood up and said, "If we can't save 5%, we're going to keep it in the public sector." Two years later, the auditor comes back and says that with those contracts costs have gone up 11%—and somehow privatization was a good thing?

**Mr Marchese:** Who was he helping?

**Mr Bisson:** "Who was he helping?" my friend Mr Marchese says. I have to wonder. Does he have friends who are contractors who stand to make money on this? I don't know. I don't want impute motive. I don't know if that happened. But I have to say, it's either complete incompetence on the part of the government to move the system over to the private sector and have it increase by 11% in costs to the taxpayer, or quite frankly their friends on the contracting side are very friendly to them. I don't know which one it is. I think people have to make that decision themselves.

The other thing I thought was interesting with the highway maintenance was that you say, "OK, if we're paying more money, if Mr and Mrs Taxpayer are paying 11% more to get it done by the private sector, maybe we're getting better service. If we're getting better service, then, OK, I don't like it but I understand why I'm paying 11%." My Lord, in northern Ontario, where I come from, it was a rare, rare occasion when you had a snowstorm and you couldn't get in your car and drive from point A to point B on the Queen's highways. Mr Deputy Speaker, you live in Manitoulin; you remember what it's like: If you went to an event on Saturday night somewhere in Elliot Lake, and you had to drive back to Gore Bay or wherever you might be going and there was a snowstorm, prior to the privatization of highway maintenance, how often were you stuck and not able to get out? It happened once every two or three years. It would be a real freak storm, and you had to wait a couple of hours. Do you know how many closures of highways



we've had on Highway 11 just last winter alone? I got stuck at least four times in Hearst or Kapuskasing, not able to get out for a day because they had not been able to respond to the need to clear the snow off the highways. So we are not only paying more money, 11% more, to maintain our highways under a private system; we are getting worse service.

I say to the government across the way, don't come to me and say, "We're going to privatize driver examinations, and it's going to help us save money and we're going to get better service," because the examples in your own ministry tell us we're paying much more money.

**Mr Marchese:** Very good. Gilles, en français, s'il te plaît, parce que c'est important.

**M. Bisson:** C'est toujours le point qui est important. Il n'y a rien à avoir en allant dans le système privé quand on voit ce qui est arrivé avec nos routes quand on a privatisé le système. On paie 11 % de plus qu'on payait quand le système était public et les services sont beaucoup pires. Donc je me dis que c'est incroyable, ce n'est pas acceptable et ça ne marche pas.

The other point I want to make on the issue of the auditor's report is that it's the other things he says in that report that I think are pretty damning of the government. I say what's interesting here is that the Tories love to stand up and say, "We're the good managers of the province of Ontario. Only we have the God-given right to govern. Only we," say the Tories, "have the competence to govern the province of Ontario and the God-given right." It amazes me. They forget to read the auditor's report. Every time the auditor comes out and reports on something you guys have done, it has been a disaster. Then you stand there and say it's wonderful.

Mike Harris the other day—I had to laugh—went to announce money for GO Transit. The government downloaded GO Transit on to the regional municipalities. The GO Transit system was funded by the province and it was basically run by the province through the GO Transit authority. The government turned around, moved it over to the regional government and said that we were going to get better service. The municipalities couldn't deal with it. They couldn't deal with the expansion issues, they couldn't deal with maintaining the rolling stock in the condition they had to and they couldn't meet the demands of the commuters. Finally the province of Ontario had to agree to take the system back, because what they transferred over didn't work.

What's the Premier's line? I thought it was brilliant. Mike Harris was absolutely brilliant. His line was, "We are a victim of our success. That's why we have to take it back. Because we have done such a good job with the economy of the province of Ontario, we have to take back GO Transit, because GO Transit can't meet the need." What poppycock. You guys created the crisis by transferring it over to the regional municipalities, it didn't work and you've had to take it back. Be square. That's what most of the media realize. My, my. I have to say, boy, you really took a leap when you went down that one.

So I say yes, you should subsidize GO Transit and you should subsidize the TTC and, yes, you should subsidize the Timmins transit system, because a good transit system, Minister of Energy, is important not only to the people who use it but to the economy of the province. We are not well served as an economy or a people by having that in the private sector. We see the transit systems across this province that are now struggling to maintain service at a basic level. There's no capacity for expansion with the increasing numbers of people living in Ontario, especially in cities like Toronto, where most of the immigration happens, and most of the economic activity, to be fair to the city of Toronto. They don't have the mechanism to deal with the expansion.

The only expansion we've seen in the TTC is what was announced under the NDP government under Bob Rae. The Sheppard expansion was done by us because we believed, as we do now, that government has a role to play when it comes to providing good infrastructure. The Tories got elected, they cancelled the Eglinton expansion, filled the hole full of sand and then went back and said, "We'll do Sheppard." I guess half of our job is better than not doing any of it.

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**Mr Marchese:** They just give away all of our money.

**Mr Bisson:** Basically that's exactly what they did. They gave away the money. It's a good point.

But I want to get back to what the auditor says, because I think it's important. We need to look at what the auditor says about the actions of this government when it comes to their exercises of privatization. Like I said, they try to get good marks for being really good managers. Let's take a look at some of the stuff they've done and how it has not worked.

The Ministry of Transportation is trying to say, "Don't believe the auditor. The 11% extra that we're paying is really not true." The auditor is kind of mistaken is what they're trying to say. So the auditor goes back and looks and says, "We were informed that the estimated savings in the pilot district," because they had a pilot district when they started the highway maintenance, "were \$900,000 but the ministry could not provide us with any documentation to support its calculation." It's like the ministry went in and said, "Oh, we saved \$900,000," and the auditor said, "Good, excellent. We're glad. Let's report how you made those savings." "We don't have the papers to show it, though." Like, excuse me.

So the auditor goes on to say, "We reviewed the other four AMC contracts that were awarded during the 1998-99 fiscal year and noted a number of costs which were included in the ministry's estimates that required either adjustment or updating. For example, the ministry either double counted or overestimated its own cost of equipment maintenance, service crews and miscellaneous expenses."

They fudged the books. That's what he's saying. The ministry fudged the books. They said, "The government said we have to save 5% and the minister says, 'You'd better come up with it or else we'll look like a bunch of

dinks,” so they said, “Come up with the numbers.” So the ministry goes out and does the best it can to play around with the numbers, and it turns out that the government fudged the books in order to try to make the case that they’ve actually saved the taxpayers some money. The auditor caught you dead in your tracks and caught you red-handed. It’s really damning.

It goes on to say, “Additionally, the ministry based overhead cost for two districts on 1995-96 data whereas 1997-98 data were used to calculate the overhead costs.” They were trying to play with equipment that they had costed in 1995 and move it over to the books of 1996-97. “Excuse me, you’re fudging the books,” is what the guy was saying. It’s damning to go through the whole thing.

He goes on to say, and this is the auditor again, “In addition to estimating savings from these contracts, the ministry calculated net one-time savings of \$2.35 million for the four districts from the sale and lease of equipment and the closure of facilities for \$5.1 million less severance pay and other one-time costs of \$2.75 million. Despite these one-time savings, outsourcing may ultimately result in a significant increase in the cost of highway maintenance for these contracts.”

He looked at the numbers for districts A, B, C and D. In district A, where you fudged the books real good, you managed to show a decrease of \$296,000. This is where he catches you on the first one. In the very first area maintenance contract, where they fudged the books by \$900,000, you show in district A a \$296,000 savings. Then he goes on to say in district B the area maintenance contract cost us \$864,000 more than it did when we did it under the public system. When the private system took district C, we had an increase of \$386,000. Get a load of this. District D, when the private sector took it over, \$1.09 million.

**Mr Marchese:** They’re doing OK, right?

**Mr Bisson:** They’re doing really, really well, I’ve got to say.

Basically we ended up paying more for the private sector to do what the public sector does. There are all kinds of interesting things that they do. For example, when the private contractor goes out to do summer maintenance on the roads, replacing the pylons, the signs, the posts, fixing up the grades on the ditches and whatever, they don’t have to tender through the ministry; they just go out and do it. Nobody knows if it has been done or if it needed to be done. It’s amazing. Can you imagine having a blank cheque where you can go to the person who gives you the contract and say, “Oh, by the way, you’ve got to pay me an extra \$1.2 million.” You say, “What for?” “Oh, well, I did all this work.” You have no way of verifying if the work has been done, you have no way of verifying if the work needed to be done, and the contractor itself generates the work.

**Mr Marchese:** The private sector is really good, right?

**Mr Bisson:** Yes, the private sector does a wonderful job. Now, is this to say that the private sector doesn’t have a role to play in highway maintenance? Of course

not. I believe the private sector can provide a role to the public system in the way we used it before: that it’s monitored by the public system; that it’s our ministry inspectors that are the highway patrol people. They are the ones who say when the plows have to go on, if they’ve done the job properly, if they’ve put enough salt on the highways, if the work that’s being done is needed and if it should be tendered—it’s always tendered—and if tendered, what’s got the best price? Somebody has to watch over these people. But instead we have a provincial government that has basically let these contractors go amok, and then they say to us, “Trust us. We’re going to privatize driver examination. We’re going to be better off.”

The other thing the auditor had to say, and this is the last point I want to make here, is on the whole issue of monitoring and maintenance of services. The auditor says on page 251 of the report, “Maintenance coordinators generally do not maintain detailed records of their monitoring efforts.” Can you imagine this? “Such documentation is important to support evaluation of contractor performance and to assist in any legal cases involving alleged negligence by the ministry in maintaining safe highways. In addition, minutes of meetings with contractors were often not detailed enough to determine the resolution of any apparent deficiencies in the contractor’s work.” So he says, “Maintenance coordinators generally do not maintain detailed records of their monitoring efforts.” Just get rid of all the paperwork; I guess that will make the problem go away. The taxpayer will be well served.

So I say to the government, we’re to trust you when it comes to the privatization of driver testing? Not at all.

Let’s look at what has happened in the driver examination system. Most members in this House won’t know this, and I didn’t know until I went out and did the research: it used to be a private system. Did you know that prior to 1961 the driver examination system in the province of Ontario was run entirely by the private system? They did it for a number of years. But there was such a problem with the system that the then Conservative government of the day moved to put it into the public system. Why? Because there was a real scam going on where, for example, if people wanted to go get a driver’s licence test and there was a lineup, “Give us a little bit more money and maybe you can pass ahead of the line.”

**Mr Marchese:** You grease the wheel.

**Mr Bisson:** Yes, grease the wheel and maybe you’ll get ahead of the line. The whole issue of standards, of why a person should get a driver’s licence—and Timmins was different than what you would get if you were getting it in Ottawa or Toronto—they were really not maintaining the type of public standards or provincial standards that needed to be maintained in that system. The government of the day—

*Interjection.*

**Mr Bisson:** We just heard from Bert that’s not the case, but let’s just take a look here. In the research that



I've done, prior to 1961 the system was in the private sector, and it was the Conservative government of the day in 1961 that moved it to the public system. Those are the facts; that's what happened. I know the Acting Speaker doesn't agree, but I would argue that if he goes back and looks in the legislative library and looks at what happened, that's exactly the case.

**Mr Marchese:** That's when you got your licence. OK. So what?

**Mr Bisson:** So Bert got his licence in 1961. I bet you Bert didn't even know what a public sector worker was in 1961.

**Mr Marchese:** That's unfair.

**Mr Bisson:** I don't mean it as a derogatory comment. When you're 16 years old walking in for your driver's licence, you don't know if the guy who's giving you the driver's test is a public sector employee or a private sector employee. How would you know unless he shows you the badge?

So Bert, that's a heck of a defence. The reality is, it was a private system.

**Mr Johnson:** She showed me her OPSEU card.

**Mr Bisson:** She showed you the OPSEU card. If she'd only known where you would end up, she would have done more than that.

Anyway, the point I make on that particular point is that the system was private, and it was moved over to the public system. Why? Because the government was not able to keep it accountable, as they wanted, the standards provincially were all over the map and it was not any more expensive to maintain it in the public sector. The government of the day moved it over directly to the public system for those reasons.

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I want to turn to a comment that Minister Clark made, I guess it was in June, when the announcement was made to move this over to the private system. I think this is a really telling point about why they're doing this. In an interview he did with the Hamilton Spectator on June 2, it says the following: "Transport Minister Brad Clark said privatization will solve a driver-examination system plagued by backlogs that cause long waits for a road test." OK, we agree there's a problem. Let's fix it.

Why is the problem there? "The province hopes the move to privatize driver testing will cut waits for a test from eight months to six weeks, a goal Clark said"—get a load of this—"can't be achieved if the testing remains in the hands of unionized public employees."

I said to myself, "Why would the minister say that?" Why would he say, "if we keep it in the hands of unionized public employees"? Is there something with "unionized"—say the words with me, Conservatives: "unionized public employees." Do you dislike them? Do you figure that just because they happen to be public and are unionized, somehow they're not competent to do the job?

I wonder, when the minister says that—if the minister was to say it in a different way, I would say, well, you know, he figures that private is better than public. But the

issue as far as better or worse is not even private-public for him; it's that you can't do it because they're unionized public employees, as if unionized public employees can't do anything right. Give me a break. Nothing could be further from the truth.

The reporter said, "Well, give us an example." And he said, "There are a lot of problems with the collective agreement." Well, first of all, who the heck negotiated the collective agreement? It's the government. If there's a problem with the collective agreement, why are you blaming the union? It's the government that negotiates the agreement with the union.

I always get a load of employers who come by and say, "We've got a problem with our collective agreement." Well, excuse me, but it takes two people to bargain a collective agreement. If an employer does not want to give something to a bargaining unit, he says no. If the employer says yes, then it's put in the agreement.

Just last summer we negotiated with our employees, both in our constituency offices and among the staff here at caucus. Our unionized employees asked for a number of things I as an employer couldn't accept. So what did I do? Did I say, "Oh, it's the union, so I've got to give them everything"? Go talk to the people I bargained with. They said, "Jeez, you know, this Gilles guy is a pretty tough negotiator. He told us no on a whole bunch of our demands." I couldn't have managed with the conditions they were trying to impose on me as a manager. I recognize I have a responsibility as a manager to make sure I negotiate an agreement that, yes, is fair to employees, but at the end of the day is fair to the employer as well, so that he or she is able to manage his organization effectively.

For the minister to say, "There are a lot of problems with the collective agreement, problems the private sector won't face," what he's basically saying is he's negotiated a collective agreement—not him personally, but the government and governments before negotiated a collective agreement—and he doesn't know how to fix the mess, so let's just strip them of their unionized rights, take away whatever rights they have in their collective agreement and throw them in the private sector. That'll fix the problem.

What a weird position for a minister of the crown to take: to say, "I've got a problem, and I'm going to blame the union contract. The only way that I can fix it is by getting rid of the contract."

It goes on: "Clark said privatization will mean driver testing could be done in the evenings and on the weekends. This type of scheduling is prohibited under the collective agreement." What poppycock. Excuse me. Really. If I'm an employer, and I go to my employees and say, "Listen, does anybody want to work overtime? I'm prepared to pay time and a half," in most workplaces I come from, people are willing to do that. If it is the case that the collective agreement says it's not there, I'll tell you, in this day and age, if you run to the table and try to negotiate an overtime clause with the bargaining unit—most people are struggling for a living; they want to work overtime.

As a person who negotiated on both sides of the table—I've negotiated for employers and I've negotiated for unions—the one issue I used to hate most as a union bargainer was overtime. My position always was that we as a union should try to limit the amount of overtime our workers work. Why? Because if we allow overtime to happen whenever, it means that a manager does not have to manage the issue. In other words, instead of hiring the proper number of staff to do the job, he or she can just get workers to work extra hours and basically be in the position not to manage the issue.

So I used to say to the bargaining unit people I represented, "My proposal's really simple: we should pay unionized workers on overtime 50 cents an hour." Back then, we were paying \$20 an hour to unionized workers. They said, "What are you doing that for?" I said, "Because you guys won't work overtime if I pay you 50 cents an hour." At least that way the employer can go out and hire more employees, so we can have more members within our bargaining unit, yes, but more importantly, give jobs to those people in our communities who need them. Do you know what the unionized workers used to say to us? "Get out. No way, man. I'm not accepting that. You take that off the table or else I'll take you off my bargaining committee." So we used to have to back down, and our approach to overtime ended up being what the members wanted, and the members wanted better premiums for overtime and more overtime if they could get it.

I say to the government, for the minister of the crown to say, "It's because we can't get people to work overtime on weekends and at night to provide driver examinations, and the only way we can do that is in the private sector"—excuse me; I've worked in both the public and the private sector, I've worked in unionized and non-unionized organizations, I've managed and I've been the employee and I've been the bargaining rep. It's the employer who decides the hours of work. It's not the union and it's not the workers; it's the employer who decides.

Even where you've negotiated the hours of work in a collective agreement, if a situation changes and it's a question of survival of the organization, the union and the members will go to the table and renegotiate the hours of work. A good example is what happened at Spruce Falls in Kapuskasing. When Spruce Falls was going down the tubes back in the early 1990s because of what was happening in the paper industry and the economy generally, there were conditions in the collective agreement that were an issue of cost for the employer. The employer said, "Hey, listen, we need to restructure in some way." The Bob Rae government came in, put in place the employee ownership plan, and part of it was the union had to come up and negotiate concessions to their agreement. The employees didn't like it, but they understood. The union didn't like it, but they understood, and they negotiated concessions to issues such as hours of work in order to give the employer some flexibility so they could operate in a way so they could make money.

So for the big, powerful Ontario government to say that you can't deal with giving people driver tests at night or on weekends because you're barred by the collective agreement—excuse me; if it is the case in the collective agreement, I'm sure the union and the members are willing to negotiate. My argument is I don't think there really is anything that holds you up. I haven't read their agreement, and I should have before coming into this debate, but I would argue it probably is not even the case.

It brings me to the conclusion that the minister, quite frankly, is moving on the privatization initiative not out of a desire to save money for the taxpayers of Ontario, not out of a desire to provide lesser waiting lines to get driver examination tests, but on the basis that he believes, along with his government, that only the private sector can do it best; the public sector is no good. That means all you ministry staff back there, you're not worth the paper you're written on, is what they're saying. I disagree with that. I think we have some of the most competent people within our civil service.

I know from my time in government, when I've had to deal both in opposition and government with MTO staff, they're among the best in the business. People from around North America would come to Ontario to talk to our engineers at MTO. Why? Because they were recognized as the best. We should value that and we should boast about how well we do things in the province of Ontario and how good our ministry employees are and how good our programs are, rather than have a Minister of Transportation in the government who does not value public service, who does not value unions or unionized workers, and says the only way to do it is to move to privatization.

I think the intent of the government is not so much to save people money. I don't believe that's the case, because if you look at the auditor's report, it's completely the opposite: where we have privatized, we get less service and we get a higher cost. I believe it's a question that they believe ideologically that privatization is good and that they don't like unions. This is a way for them to be able to get at those two issues.

One of the concerns I want to raise in the time I have left in this debate is an issue that happened in the province of Quebec when it came to the issue of access to information, where people in the private sector, or the public sector in that case, could have information that's contained within the databases that hold all the driving records. My colleague Michael Prue, the newly elected member from Beaches-East York, raised it in his question today. That is, what assurances do we have that we're going to be in the situation, when we move this to the private sector, that a private contractor or an employee of a private contractor does not utilize the information in the drivers' database in a way it shouldn't be used, for example, to identify where people live in order for people to do all kinds of nasty things to them?

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It brings me to this point: in the province of Quebec they have a bit of a hybrid system. Quebec, like Ontario,



has a public database of drivers' records that's maintained by the workers of the province of Quebec. That's how I understand the system works. By and large, it's the public sector that maintains the driver examinations, but there's a bit of a hybrid where the private sector also is in competition and provides some of those examinations.

There was a case that happened a while back—this dates back to May of last year—where an individual reporter in the city of Montreal was basically found and somebody attempted to take his life because he was a reporter reporting on biker gangs and organized crime. When the police went in to investigate how they were able to find this guy, what led to the bikers finding him, they found the following—and this is out of an article from May 31, 2001, out of Montreal. I know it was in the National Post, but unfortunately I don't have the name of the paper this was actually in. It says, "Investigators trailed Ms Martineau"—Ms Martineau, just so you know, is an employee who worked for a private contractor who was giving driver examinations to the citizens of the province of Quebec. It says:

"Investigators trailed Mrs Martineau after determining that she had made an unauthorized inquiry of Mr Auger's file." That was the reporter. "It was discovered that Ms Martineau, who was suspended by her employer last fall, had checked the files of 25 people who were of interest to the outlaw bikers last year.

"Of those 25, three from a rival gang were murdered and four survived murder attempts."

What happened was the biker gangs were basically at war with each other. One particular biker gang got access to the Quebec government's database of drivers' licences in order to find out where these people lived. What happened was that the information was given by one of these employees working for that contractor. They found that 25 names were released, along with the addresses, to the biker gangs. Out of the 25 names that were given, three people were killed and, it says here, four people survived murder attempts. That's scary.

I know a government member is going to get up and say, "That could happen under a public system." Yes, I guess it could. To be fair to the government, I guess it could happen. But there are much stronger safety provisions in the public system than there are in the private, because of the way the system is set up. We know we can secure our databases, because they are our own databases and we're the ones who basically maintain the database system—something the province of Quebec does—but we want to move our database system over to the private sector.

I worry, as a citizen of Ontario, that it could happen that the names and information about drivers across the province of Ontario could be released to other people who want to use them for different reasons, like maybe marketing companies. I know you're going to say, "That couldn't happen; that will never happen." But the issue I see is that under a public system we're able to monitor the system. We're the ones who designed the system; we're the ones who make sure there's security on the

system, and in the public sector there's a much more stringent safeguard as to the safety of that information.

It makes me a little bit worried when I read what happened in the situation in Quebec, where 25 names were given out to biker gangs by an employee who worked in that system and it resulted in three people being assassinated and four people having attempts on their lives, out of 25. I worry what happens if we move that database entirely over to the private sector so that we basically have a situation where the information could be more easily gotten to by people who want that information in the private system, because there's really no way of our making sure we protect that information in a way that we are comfortable with when we move it over to the private sector.

Could you imagine if the CPIC system, the system that basically keeps all the information about criminal charges and about driving offences, the dossiers of Canadians, were moved from the RCMP out to the private system, how worried we'd be? Presently, as you know, if the police officer pulls you over in your community, he looks over on his computer. He goes to the CPIC system that's managed by the RCMP. In fact, my brother is the guy who runs the department that manages the maintenance in that particular division. I would be a little bit worried if we were to move the system from the RCMP and give it to a private contractor, because that means all the information that people have on me—my address, my phone number, if I've ever had any other criminal offences, my medical condition—is in that record. I want to know, as a citizen, that that information is kept safe.

I know, for example, that our Sergeant at Arms worked for the RCMP for a number of years. The RCMP are an organization that I have some confidence in. They basically are there to serve and protect the public of Canada. They do a good job at what they do, and I know that the information in those databases—I have to believe—is very closely guarded, because the RCMP is under public scrutiny all the time. If we take that information and move it over to the private sector, they're not under the same kind of scrutiny as a public organization. If we move the information from a database that is managed and safeguarded by the public sector over to the private sector, I worry about what that means to the security of individual Ontarians.

**Mr Marchese:** Every citizen ought to be worried about it. They are.

**Mr Bisson:** That's a good point. I just say to the members across the way, let's review why we are in the situation we're in. The government in 1995, when you took power, knew there was a graduated driver's licence system that was put in place by the NDP. You knew there was going to be an increase in the number of people coming for driver exams. We as a government had told the civil service that we had to move to be able to meet that demand when that demand would come five years after the graduated driver's licence system was put in place. You did not do that. Instead, what you did was you removed, you fired, you terminated the employment of a

great number of people at MTO. As a result, they were not able to meet the demand.

It is a little bit of the Snobelen syndrome. You guys created a crisis. Once you had created that crisis by diminishing the capacity of the ministry to respond to the demands of the driver examination system, you turned around and said, "Now that we have the crisis, this is the backdrop that we need in order to go out and change the system according to our ideological belief." I say to the Tories across the way, I believe you're wrong. You were wrong under highway maintenance, I believe you will be wrong when it comes to Hydro and I say you're wrong when it comes to this.

I just want to close on the last point that I made at the beginning: the position of the Liberal Party. I am glad there are Liberal members who are prepared to stand in this House and vote against this legislation at this point. I'm glad there are Liberals who are prepared to speak against it, but I say you should talk to your leader, Dalton McGuinty. When this initiative was brought out initially, Dalton McGuinty stood and said it was a good thing. He believed in privatization. Now he's flip-flopped and has gone the other way. So I say what I said at the very beginning: I understand where the Tories are going. I don't agree with it. They understand where I'm going. They don't agree with it. The public has a clear decision.

But when it comes to Liberals, my Lord, they can flip-flop 10 times from here to Sunday and they would still feel that they're consistent. I say to the Liberal Party, would you please take a position so we can understand where the heck you're going. I don't know; you're confusing a lot of people around here by the inconsistent positions you're taking, saying, "Privatization is good," one day and the next day coming in and saying, "It's a bad thing." The NDP says this is wrong, we will vote against it and we stand by our convictions.

**The Deputy Speaker:** Questions or comments?

**Hon Mr Wilson:** I in jest say I enjoyed the remarks from the honourable member. As I said before, I appreciate his opinion. I want to tell him that not exactly telling the facts about Falconbridge and what we are trying to do to introduce competition in the electricity sector really isn't helpful, especially in this time when everyone across North America, and indeed the industrialized world, is worried about a downturn in the economy. I say to him, have the president of Falconbridge come and talk to me about this, because this is not what the management of Falconbridge talks about. They know that the increase in power that we had to put in place this year was a result of the auditor's report of last January, when he said that because we've spent \$2 billion over the last five years in this province on new pollution control equipment on our plants, that was \$2 billion less we had to put toward the \$38-billion debt that the Liberals and the NDP left us in the old monopoly, government-run system, a \$38-billion debt—bankrupt. I inherited, we inherited, a bankrupt Ontario Hydro.

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We have no choice. The banks would give us no more money. Bob Rae ran out of money. Mr Peterson put us on

the road there during his five years—a \$38-billion debt. So if we want new plants, and we don't want to become a California and we don't want to become an Alberta and not have enough supply, we need the privateer sector. It might be in partnership like the union is with Bruce Energy and the public sector, or it might be privatization deals where they build the next generators.

Falconbridge knows that this year's increase, after almost eight years of no increase, frozen electricity prices in this province, has nothing to do with deregulation, has everything to do with missing a payment on the debt—which the auditor said in a special report in January—of \$687 million. Because we spent \$2 billion on the environment, we had less to pay on the debt. We missed principal and interest payments, or we were in danger of doing so, and so we had to raise prices to pay off—

**Mr Agostino:** I listened to the member for Timmins-James Bay with great interest. The last party anybody in this province can ever have to listen to when it comes to consistency in principle is the third party, a party that is becoming irrelevant, a party that no one in this province is listening to, and there's a good reason for that.

Remember the consistencies. When they came to power, remember public auto insurance, the cornerstone of the Agenda for People, what they came to power to do. They scrapped the idea. So much for consistency and principles. We remember very well Sunday shopping. The irrelevant third party fought against Sunday shopping. They came to power and what did they do? They brought in Sunday shopping. That's a party of principles.

They're irrelevant for good reason across Ontario. Remember casino gambling? They fought against casino gambling. What did they do? They supported it and brought in expanded casino gambling in Ontario. Then the cornerstone, their relationship with labour, the sanctity of collective agreements, the sanctity of contracts: what did they do when they were in power? They brought in the social contract. They ripped up contracts. The unions had agreed to negotiate across the table and roll back their wages by 5%.

That is why they're irrelevant. That is why they have the support of 10% of the people in Ontario. This is a party that is void of any new ideas. This is a party that has not had a new idea in 20 years. This is a party that is struggling desperately to hang on for survival. They're not here to govern. They're here to try to survive. I can tell you clearly that their track record from those five difficult years of chaos in Ontario speaks well to what the NDP is all about: a party of no principles, a party that is absolutely void of any new ideas, a party that stands up for nothing.

The last party anybody would take any lessons from when it comes to principles, when it comes to standing for something, is that irrelevant third party, that rump here in Ontario.

**Mr Marchese:** What a beating. I'm still hurting. Did you hear that? He was indefatigable, inexhaustible, a resource of venom. But I don't have time for Dominic today because I only have a minute and 45 seconds. I'll



have to return to him when I have more time. A party of no principles? Us?

**Mr Agostino:** Yes, the social contract, Rosario.

**Mr Marchese:** Dominic, I only have a minute and a half. I'm so sorry.

**Mr Agostino:** What about the social contract?

**Mr Marchese:** But I want to talk about my friend from Timmins-James Bay and his hour.

*Interjection.*

**Mr Marchese:** Dominic, I'm sorry. I've only got a minute and a half, please.

One of the points he has made is that we need a strong role of government, that governments need to be there, robust, in defence of people, citizens and taxpayers. That's the argument he was making. I can't wait for the Liberals and the next election because I want to hear what kinds of promises they're going to make, if they're going to make any.

**Mr Agostino:** We're looking forward to it as well, Rosario.

**Mr Marchese:** I'm looking forward to that debate, Dominic. So the arguments of my friend from Timmins-James Bay are that the Tories drool every time they think about privatizing. You can just see the drool streaming out of their mouths every time they think of privatizing because somebody's going to benefit from it, do you see?

Like my friend said, remember when they privatized highway maintenance? There was big money to be made. The private sector did well, because this government said, "We can help you out. We can privatize so that you, my buddies, can make some dough"—and they did, didn't they?

**Mr Bisson:** They made lots of dough.

**Mr Marchese:** The Provincial Auditor has proved as much. Of course, they privatized Highway 407 completely and the rates just jumped right up. Because the taxpayers needed to be whacked again by you, didn't they? They want to privatize health care and they want to privatize Hydro so the rates can go up again. That's what it's all about and that's what my friend commented on.

**The Deputy Speaker:** Questions and comments?

**Mrs Munro:** There are a couple of issues that I would like to comment on that the member for Timmins-James Bay raised. One of them deals with the question of the security around the records that will be kept. I want to just remind the member that in fact in this piece of legislation, very careful attention was given to that particular issue.

In the comments that were made, I think it's important to note that the Information and Privacy Commissioner has identified this piece of legislation as one which, "as well as the process through which privacy has been addressed, will serve as a good example to other government institutions, in the event that they decide to provide services through private service providers." I think it's important to draw attention to that, because everyone is naturally concerned with the issues of privacy and the protection of those records.

I think that speaks to another issue that the member raised, and that is the essence of the government's role in

this legislation, which is simply to maintain that control which is inherent in developing policy, developing legislation and, finally, regulation.

One of the other points that the member made was the question of providing service to the community. I just want to remind the member and others that there has been a huge investment in driver exam centres. In 1999, it was unprecedented.

**The Deputy Speaker:** Response?

**Mr Bisson:** First of all, to the parliamentary assistant, thank you for your comments. Yes, you are investing heavily in the system to upgrade the computers on the desks and driver examination systems and the database. You're going to hand it all over to the private sector for a song. You're going to give it away. Yes, you've done it, but I don't know if that's good news for me, the taxpayer.

**Mr Peter Kormos (Niagara Centre):** Just like the taxpayer built the jails so that the private sector can operate them.

**Mr Bisson:** Very good.

To my friends in the Liberal Party I have to say, it's almost as if I was a dentist and I was drilling into a tooth and I forgot to administer the Novocain before I started the operation, because they've been jumping and yelling all afternoon. I know why: because it hurts. It didn't bother me, what Mr Dominic Agostino had to say. Yes, we introduced casinos. No, we were not inconsistent in our position. There was no position in the party that said casinos shouldn't be done. We had individual members who had a problem with it; as a matter of fact, my good friend Mr Kormos didn't like the idea. But it was never a position of the party not to do casinos; there was a position to do it.

**Mr Agostino:** How about public auto insurance?

**Mr Bisson:** The public auto insurance we didn't do with the economic times that we were in. I wish we had done it, but it wasn't a question of turning back.

On the social contract—I'm glad you raised the issue of the social contract, because I've got to say the Liberals are absolutely amazing on this one. When you look at the positions that the Liberals have taken when it comes to labour, it's the same thing as highway privatization. They go to the union halls and they say, "OPSEU members, I'm with you. I'm against this privatization thing." Then they go to the chamber of commerce and the board of trade and they say, "I'm Liberal leader Dalton McGuinty. I think privatization's a great thing. It's wonderful." They flip; they flop. It depends what audience they're talking to. Man, oh, man, weave and bob like you wouldn't believe.

So I understand where the Tories are going. They're going down the road of privatization. I disagree and it's wrong, but at least you know where they stand and you know where we stand. The NDP are opposed to privatization.

**The Deputy Speaker:** Further debate?

1710

**Mr Joseph Spina (Brampton Centre):** The accusation that the NDP are not a party of principle—I think they are a party of principle. I agree with my esteemed

friend from Timmins-James Bay, of course, because what he says is exactly right: not only do they speak out of both sides of their mouths, but some of them even leave one party to join the other because they've been given a cabinet post.

**Interjection: No.**

**Mr Spina:** No. Of course, and he knows of whom I speak.

In any case, today I am supporting the Improving Customer Service for Road Users Act, 2001. As members know, this bill permits the Ministry of Transportation to transfer the delivery of some of the road user programs and services to new service providers. Let's bring the service a little closer home to the user.

This legislation is designed to allow some Ministry of Transportation services to be delivered by other service providers. Let the members of this House be assured that through this transfer of services the government would continue to protect the privacy of all Ontarians. This bill includes important provisions to protect the privacy of individuals and to safeguard the confidentiality of their personal information.

Under this proposed legislation, alternative service providers would be required to abide by the provisions of the Freedom of Information and Protection of Privacy Act with respect to their actions. That's on behalf of my ministry, the Ministry of Consumer and Business Services.

Additionally, alternative service providers would be mandated to create the position of a privacy officer. The privacy officer would be responsible for securing all the customer records related to that delegated business. Additionally, we commit to ensuring that road safety would not be compromised under this legislation. We must, and will, continue to safeguard the public interest by regular monitoring and auditing of new service providers to ensure compliance with all legislative and contractual obligations.

We believe that ultimately transferring some services and programs to other service providers basically improves customer service. The demand for driver testing services in this province will continue to grow as our population increases; that's thanks to the successful economic growth of this province and the echo, the baby-boom kids that are coming on and more and more people getting drivers' licences. As we get farther across this wonderful province of Ontario, it's important that people in smaller communities have that opportunity to access these services.

The Ministry of Transportation has already made some significant customer service improvements to address that growing population of drivers in this province. In 1999, members will recall, my colleague the Honourable David Turnbull, the previous minister, brought in a package of measures to address the customer service problems at the provincial driver exam centres. In this initiative, the ministry hired more than 300 driver examination staff on a temporary basis and also opened temporary driver testing facilities, and in addition expanded

the hours of operation at a number of provincial testing centres. As a result of this initiative, more road tests were offered and the average waiting time across the province for driver examinations was reduced. I can support that. My own daughter went through this process and is witness to this improved service.

This new bill now supports MTO's intention to find a new service provider for driver examination services. With the passage of this proposed legislation and the eventual move to a new service provider, the province will be able to build on the significant customer service improvements in driver examination services that have already been made.

As members know, Ontario is committed to the highest level of customer service possible in all facets of operations. I hope they carry some of these initiatives forward to the road-building part of that ministry, because I'm waiting for service in Brampton, and I look forward to that part of MTO bringing that service to my city so that we can get some projects done. That's my own little bit of lobbying. I drift from the focus of the debate on the bill, so I'll now return to that.

By engaging the private sector in the delivery of driver examination services, the government would continue to maintain and in fact even exceed those high standards for excellence in customer service. The key of course is to find the right service provider for the job. To ensure that the right organization is selected to undertake this task, the ministry has established an open competitive process, which is critical to ensure that we do have the best potential candidate to deliver that service. That successful bidder would be required to prove their capability in a number of areas before earning the right to be a driver examination service deliverer here in Ontario. It's a process that demands all candidates for this role meet a very specific predetermined set of criteria that is critical to the quality of the service.

If a successful candidate is chosen, the ministry would then develop a detailed service delivery contract with the winning bidder. I believe that the people of Ontario simply cannot lose with this process, because the whole point of this exercise is to provide them with better service.

If that selection process results in a new provider of driver examination services, the service delivery contract with the ministry would contain measurable objectives and clear milestones for customer service improvements. I think this is something that is absolutely relevant to this process, particularly when we want to ensure and engage the private sector delivery agent. The goal here is the improvement of customer service. The people of Ontario are the key beneficiaries of this type of service.

Others have already spoken to the bill's benefits with respect to enhancing government accountability, but from my perspective, the real importance of this bill is simply that it will bring better, more efficient and cost-effective services to the people of Ontario.

In this Legislature, as members and elected representatives of the people, I believe we all have an obligation to support measures that will result in better



service to the public. MTO has worked hard toward the goal of improving customer service across this province in the existing driver examination centres. As well, this work strongly supports the government's goal of achieving smaller and more efficient government and improving customer service through alternative service delivery. It underscores the government's role as a manager as opposed to a deliverer of services. I think it's an example that other ministries could take from the Ministry of Transportation.

In this day and age, customer service is a highly specialized field. Companies not good at it don't do so well. Companies that are very good at it are generally extremely successful. In managing services that are delivered to the public, the ministry plays an important strategic role in Ontario's transportation sector, a role that embraces all the transportation modes and the dimensions of provincial policy, planning and management.

In terms of Ontario's policies, fees and standards, this proposed act makes it crystal clear that MTO would continue to effectively manage the delivery of these services. I reiterate that: effectively manage the delivery of these services. The bill would allow us to engage our private sector partners in the development of flexible, creative and innovative approaches to customer service, and sets the stage for enhanced efficiencies down the road.

This government made a commitment in its 1999 Blueprint document, and in the most recent speech from the throne, to make the government more accountable to provincial taxpayers. One important part of that commitment is to ensure that services are delivered in a safe, efficient and high quality manner.

To fulfill that commitment, we are determined to explore new and innovative ways of improving customer service and, wherever it is practical, safe and cost-effective to do so, we are prepared to transfer the delivery of those services to a service provider that can do a better job. This proposed legislation reflects this important government commitment and our desire to bring better services to people throughout the province.

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We want to continue to explore further improvements in the future and we will continue to ensure that hard-working people in all parts of this province receive high-quality services and excellent value for money—things that they expect, things that they deserve.

One of the little summary points I think we should ensure is remembered is that privatizing road safety and driver examination services does not risk safety. Road safety cannot and will not be compromised. Under new service providers, the ministry would continue to develop policies, legislation and regulations just as it does today—no change from the past.

We would continue to safeguard the public interest at all times, regardless of whether the services are delivered by ministry staff or other service providers. It's relevant, it's key, it's important that we don't have to be the actual

deliverers of the service, but rather manage it in a cost-effective way, in a safe way for the consuming public. We would maintain the strong oversight role to ensure that those service providers meet all of the legislative and contractual obligations.

We must continue to establish standards and set curriculum as well as train the service providers' trainers. There are highly qualified people out there, not all of whom would qualify or would necessarily want to become an employee of the government; however, who are qualified to be able to deliver the services on behalf of the government, given the guideline, given the structure, given the hierarchy, given the regulatory environment under which they could deliver the services on an ongoing basis.

One of the opposing points that we mentioned earlier is that privatizing road safety and driver examination services would risk privacy. As the parliamentary assistant to the Minister of Consumer and Business Services, the protection of the consuming public is paramount in our ministry, and the Freedom of Information and Protection of Privacy Act would require new service providers to abide by the provisions of that act. The privacy of the people of Ontario is paramount and must be protected. Any personal information collected by and made available to new service providers to conduct business on behalf of the ministry is governed by that act, and it must support the contractual provisions.

As well, contracts between the government and these new service providers would provide that each employee sign a confidentiality agreement with the service provider. This can seem quite stringent on behalf of the delivering agents or on behalf of the individual employees, but the reality is that it's important in order to protect that confidential information that we provide as the consuming public, whether it be our name or address, our telephone number, our gender—frankly, I don't know that that would be much of an issue beyond looking at us—but other kinds of information that tie in with our particular elements of disclosure and privacy.

*Interjection.*

**Mr Spina:** Sorry, Speaker. There are some people here who find this humorous. Thank you, member from Kingston.

New service providers would be required to create a privacy officer position within their organization, and they would be responsible for securing those records directly related to the delegated business and for liaising with the Minister of Transportation on those freedom-of-information requests.

Some people have indicated this was just a job-slashing exercise. I know particularly members of the third party indicated and seemed to follow this particular attack on this issue, on this bill. The goal of transferring service delivery to other providers is to improve customer services, as stated earlier, while allowing for greater innovation and flexibility in service delivery. There is no reason for anyone currently involved in the delivery of these services to feel threatened. They will

not lose their job. This service is in fact being expanded across the province.

It supports the government's commitment to be a manager, rather than the deliverer, of services.

All staff affected by the transfer would be treated in accordance with their rights and entitlements as set out in their current collective agreements. Job offers, as required under the collective agreements of those affected staff, will be a mandatory part of any contract with a service provider and many MTO staff may find job opportunities with new employers that may be enhanced from their current position.

People have indicated a loss of access for rural residents. As I indicated, transfer of the driver exam would ensure that drivers—in both rural and urban areas—have access to the driver exam services within six weeks or less everywhere in Ontario. Being a northerner, as I know you are, Speaker, you can fully appreciate the fact that there are many parts of our wonderful province, particularly in northern Ontario, where the population numbers just don't justify a full-blown government office. But in fact we do find the relevance to address the needs of residents who live in those areas, to deliver that service in a timely way. If we can reduce access to driver exam services to six weeks or less, I know it would be really appreciated by people in places like Wawa or Chapleau or your hometown of Gore Bay, perhaps.

*Interjection.*

**Mr Spina:** Sorry? I didn't hear, Speaker. I forgot. I apologize, but I know it's the north shore of Manitoulin Island, Algoma-Manitoulin.

It's important that people in those areas get access to driver examination services in a timely manner. In the northwest, of course, we have all kinds of places that could be helped. I'm not saying these are areas that would get these services, but it would be an opportunity for them to pursue it in places like Sioux Lookout and Red Lake and Ear Falls—isn't that amazing, Ear Falls? Those would be great places to consider delivering these services.

We are currently providing driver exam services in 92 communities throughout Ontario. There are 55 driver exam centres and 37 travel points. We would continue to provide services in these communities under the new service provider, either the existing service or a modified service.

"Customer service will suffer, not be improved, under this legislation," claim the opponents of this bill. The fact is, the goal of this initiative is to improve customer service. We believe that the alternative service delivery would help sustain the significant customer service improvements we have already achieved, while supporting greater innovation in service delivery.

I'm pleased we are able to provide these increased services and broaden the scope. As I said earlier, sometimes it seems like a very difficult regulatory structure, but it's important for the protection of the public of this province. It's also important to be able to better deliver those services to the residents of our province.

I think an example could be taken in other ministries, in the consideration and development of their own better customer delivery services for their own ministries, to look at the model that has been created in the Ministry of Transportation. There are some within that ministry who will be astounded at this member making that kind of statement, but nevertheless I am, because I think this is an excellent model for us to carry forward to deliver customer service to the residents of Ontario.

It's an amazing choice of words, I think, for government to use the phrase "customer service." It's something that was unheard of many years ago, and it now becomes part of the everyday mindset of any ministry in delivering services to their customers in this province: the taxpayers, Speaker, you and me.

1730

**The Deputy Speaker:** Comments?

**Mr James J. Bradley (St Catharines):** The one part of this that has not been guarded against is the opportunity for political patronage, which obviously is a significant component of this bill.

I don't think the private sector should be involved in public services of this kind. I'm a strong supporter of the private sector doing what it does best. I give an example: they make automobiles. You don't want the government in the business of making automobiles. They're involved in the pulp and paper industry. Government shouldn't run the pulp and paper industry.

But this is a public service, and it seems to me that this is going to be open to the Tories simply ensuring that their own friends get yet another lucrative contract. It happened in road maintenance. It certainly is going to happen with the Liquor Control Board. We have Mr Sterling, the Minister of Consumer and Business Services, saying he's going to dole out some of the liquor stores in some of the communities. Believe it or not, I have some good Conservative friends in many communities, and I'll tell you, they're rubbing their hands. They can't wait to get their hands on this patronage to make all kinds of money out of it, something that should essentially be a public service.

I'm very concerned as well about confidentiality. I know you have the assurances you give us about confidentiality, but I assure you that is a problem today with the present minister selling the lists to people—the MTO does sell its lists, or provide the lists to somebody. We saw what happened with the Province of Ontario Savings Office. Just watch what happens with this.

**Mr Marchese:** I was listening to the member from Brampton Centre, and he talked about the taxpayer at the end and his concern for the taxpayer. I'm concerned too. He and the government argue that the government thinks the solution to long waiting times for driver exams is to privatize.

I remind you that these people drool over privatization. Picture drooling, if you can, good taxpayers, because that's what privatization is all about. When you privatize, the drooling connection has to do with how much money you can make. And the person who suffers



is the taxpayer, the very person the member for Brampton Centre is trying to help—you too, Minister of Labour. All of you want to help the taxpayer.

When you privatized highway maintenance, the taxpayer got whacked. The Auditor General said you didn't save any money; it cost the good taxpayer that you people pretend to support big bucks. Highway 407, completely privatized by this Conservative government; rates, user fees, skyrocketed.

Jails, built by the good taxpayer, are now being privatized, given away to the private sector—built by us, public money, taxpayers' money, given away to the private sector—because that's what people like the Minister of Labour love. They drool over these things, because the people who benefit make money, and they support each other—fundraising activities and all of that—and ideologically they connect to each other.

They want to privatize hydro, give it away. Rates are going to shoot up, but that's OK, because the taxpayer likes it. Hospitals: we're going to privatize more and more of that, although they're having a difficult time, so somebody can make money.

**Hon Chris Stockwell (Minister of Labour):** The member for, I think, Fort York—I'm not sure what it is now—is on to hospitals. Where is he coming from? We're talking about driver testing programs.

I remember being on council in the early 1980s, and you were privatizing garbage collection. The same kind of thinking, the same old hackneyed, tired arguments, day in and day out about garbage collection: "You're going to give it away to the friends of the government, and everyone will be making money." Where are we today? The private sector produces a far better service at far less cost.

You hear the members opposite, like the member for St Catharines. You've got to give him one thing about speaking: he's consistent; he says the same thing about every issue. There's never any different speech. It is one speech with different-coloured paper. He gets up and he talks about the friends of the government. The friends of the government don't get this. It is called "tendering," a proper tendering process. They sit here and laugh. I don't know how your governments worked. I do; they didn't work at all, frankly. I don't know how your governments worked, but you people tendered all kinds of things.

For instance, I say to the member for Fort York, when you were going to go out and tender that union song you paid \$55,000 for, you put a tender out and asked all the union people to write in and tell you who could write the best union song for \$55,000. See, that's how it worked. Now, you got a lousy song. I didn't claim it worked well on the song side of things, but in the process of governing, you put a tender out and the competitive bidding process bids on it. We've been doing it for years—garbage collection at municipal levels. We are finally getting into it provincially, and we get the same tired, hackneyed quotes from the member for St Catharines. It is so tiring.

**Mr John Gerretsen (Kingston and the Islands):** I think the people of Ontario realize that we are not just

talking about the privatization of driver testing services but that it could open the door to the future sell-off of a lot of other programs as well.

There's one program I want to talk about. In Kingston we have a rather large MTO office. It subcontracts out, on an annual basis, contracts to different groups of individuals, mainly private co-ops or corporations that are run by mentally challenged individuals who have been doing work for MTO for the last number of years. This keeps a number of people well-employed. It gives them dignity in their lives. It allows them to do some very meaningful work either in the licence reissuing program or the destruction of old licences etc. Having visited a number of these different co-ops, the people who work there really look forward to going to work on a day-to-day basis.

One of the concerns I have—and there may be in total about 100 mentally challenged people involved in that program in these different co-ops—is that a lot of these people will lose their jobs. I will give the Minister of Transportation credit that when this was brought to his attention, he sent them a letter and basically guaranteed them those contracts for one more year. The question I have is, what's going to happen after that year? What's going to happen to those individuals who were given a very meaningful job in their lives in working in these subcontracts for MTO? I would think that we should consider those effects as well. I would really seriously ask the government to take that under serious consideration. Rather than passing this bill, let's do something for people who are handicapped in our society.

**The Deputy Speaker:** Response?

**Mr Spina:** Thank you, Speaker, and I was most remiss in not recognizing your hometown of Kagawong on Manitoulin.

Thank you to the members from St Catharines, Trinity-Spadina, Kingston and the Islands and of course my good friend and colleague the Minister of Labour. I don't want to be a PA in that ministry, I'll tell you that for sure. But what I want to reiterate is what the minister said: that as this is an open, competitive tendering process, the successful bidders would be required to prove their capability in many areas before earning the right to deliver those services in Ontario. It is a process that demands that all candidates for this role meet the very specific, predetermined set of criteria. I can assure you that one of those criteria will not be their party stripe.

I want to make one last reference particularly to my friend from Trinity-Spadina, who keeps talking about the taxpayers getting whacked by this government. The truth, my friend, is this: every budget that was ever tabled in this Legislature by a Liberal or NDP government whacked the taxpayer on the head with raised gas taxes, raised tobacco taxes, raised sales taxes and raised any other kind of tax that you can imagine. That's how the taxpayers got whacked in the head in this province. This government's budgets that are tabled reduce taxes. We reduce government; we make it more efficient. And you know what? We try to improve the quality, delivery and

efficiency of the service to that taxpayer, our customer. That's how this government functions.

1740

**The Deputy Speaker:** Further debate.

**Mr David Ramsay (Timiskaming-Cochrane):** I'm going to share my time with the member from Windsor-St Clair. He's a great speaker, and we'll be waiting to hear his speech tonight on this also.

It's interesting listening to this debate, because it's a debate that I guess governments have had over probably the last 15 years, since people like David Osborne in the United States have written books like *Reinventing Government*, where governments have had to—in order to stretch the taxpayer's dollar—find better, more efficient ways of running government. Osborne is certainly a disciple of privatization and cited in his book examples of—starting with American cities; that's where it really started—privatizing services. As the member from Etobicoke has just said, garbage was one of the first ones American cities did, and so had Toronto.

Being in government, you've obviously got to be open to all ideas about how government functions, how you're going to deliver services to taxpayers, who are the customers of the government and the clients, using the business language of this government. It really makes you have to look at how government works and the public versus private delivery. I suppose you have to look at the first fundamental aspect of this, which is, how much service should government be delivering at all? Should the role of government really be to steer the ship, basically set the policy, or should we be rowers—using the terms from David Osborne—and actually delivering services?

In the end, there are some basic functions of government that government will have to deliver, and in those, you have to look at different aspects of government to decide what aspects of government should be held in the public sector and what services could be privatized. On this, I think you have to apply common sense in that you can't be an ideologue and say that everything must be delivered by the private sector, or on the other side say that everything has to be delivered by the public sector.

It was when I was the critic for correctional services and the Harris government decided to privatize jails that first really forced me to think this through and to think about which functions of government could be privatized and which couldn't. It came to me at that time that any function of government that dealt with safety or law and enforcement of law should remain in the public sector, and that certain functions that are strictly clerical or administrative, you could take a look at those. Maybe some of those can be privatized. I know this government has gone and done some of that. But I think we need to make a stand on issues such as enforcement: that any area where a government empowers an individual to have force over an individual—as in the jail situation, to coerce an individual—has to remain in public hands. The reason is for public accountability. There has to be a direct linkage between those powers that a government

would bestow upon private companies and the government itself, those elected officials. Therefore, those functions should not be privatized.

When you start to think that through, you see that therefore any function of government such as policing, jailing, inspections of any sort where you're enforcing law, and in this case testing for safety standards—again for public safety—must remain in the public domain. That's the train of thought or guiding principle that I use when I look at functions of government to decide which areas of government maybe could be privatized and those that certainly should be remaining in the public domain. You can certainly get into the other areas that a government controls, such as health care, and really start to debate whether there should be profit built in to health care at all.

But certainly when it comes to enforcement areas such as jail, police, inspections—some of the inspections that government carries out involve the environment, whether it's checking rivers and streams or checking our factories and different plants to make sure they're not putting out pollutants greater than the standards set—and of course driver testing, which this bill is about, you have to get into the reasons why you would want to keep that differential there. I think the reason is because the *raison d'être*, the rationale, the will of the public sector is to do good, is to do the public good, and that's why you have to keep the administration of those functions in the public sector.

The rationale of the private sector, of course, is to do well, and rightfully so. The rationale is to make a profit, and so it should be. We all glorify in the capitalist system. The private sector has a role to play, as the member from St Catharines says, in probably most activities in our society. But when it comes to safety and enforcement, we must keep a direct link, that accountability, through the public sector so there is that direct link between the elected officials.

In order to do well, as companies should, they start to look at the process of what they're doing. Of course, to do well, what you want to do, as much as you can, is to cut corners. You want to find efficiencies, and to do that you will try to cut corners. Again, when you're in a free society and you're producing a product, you can only cut corners so much, because if you start to produce a deficient product then of course your competitor is going to do better, so that keeps you honest. But in a system like this, where you have now given away the right to test new drivers to a certain company, there is no competition any more. You've given one company in the private sector, for a certain period of time, the right to do this, and they can start to cut corners. They can start to make sure they hire people at very low cost. They can certainly find savings by cutting out training. So you end up with a low-paid, low-trained workforce, a workforce then that could be more susceptible to corruption.

I know people sometimes get alarmed about that when one may bring that up, but I think Mr Murdoch would remember that it was the 1961 Conservative government that brought the public sector into driver licence testing



because of the corruption that was there in the private companies of the day. I'm surprised that the institutional memory of this Conservative government isn't there back to 1961, to remember what had happened: the government of that day, of John Robarts, brought in a public system to get rid of the corruption. That was the remedy they saw, of that day. I'm sad to say that we're going back to that, but that's what we're appearing to do.

As a northerner, I'm very concerned about the type of service that we're going to be getting, because it's going to be very difficult for a private company to make a profit in many of the smaller centres and to provide the service that I know is required across northern Ontario. I know that as a fellow northerner, the Speaker would agree with me. That's always a concern, just like when the government flirted with the privatization of the LCBO, which I will fight to my last breath, because every so often they keep bringing it up again. I could just see the type of selection we would have in small towns in northern Ontario compared to the wonderful system that we have today. I think that's again analogous to this, that we will not get the service in rural areas and in small communities that are not densely populated, as we've seen today.

The reason we're at this point now is because the system is not working because the government has created the crisis by underfunding it. I think they do this, quite frankly, on purpose, so they can bring the private sector so-called solution to this because that is their ideology and that is their drive.

I am very much against this bill. I look forward to the vote, and to being able to stand up to vote against this bill.

I will cede my time now to the member for Windsor-St Clair.

**Mr Dwight Duncan (Windsor-St Clair):** I am pleased to join the debate on Bill 65, the privatization of road safety.

First of all, in my brief remarks I'd like to address what I would call initially the theoretical underpinnings of this bill, some of the concerns I have with it, and then I'd like to address some of the specific problems with this bill.

1750

I think it's fair to say, and I think most people in this House would say, and I would recognize, that this government does believe extensively in the provision of public goods by the private sector. Other levels of government have gone a great deal further in privatizing. I think specifically of our federal government, which has done that, because frankly, over the years, the federal government got into a whole range of activities that it was not appropriate for governments to be in. They realized that, and everything from the sale of Air Canada on down they privatized.

This government has a natural bent toward the privatization of certain services. Upon assuming office, they didn't proceed. They haven't moved very quickly because they discovered that, unlike most other juris-

dictions where there have been other privatizations, extensive privatizations, Ontario did not have a whole range of public services that lent themselves readily to privatization and there were compelling reasons not to privatize. One thinks of the LCBO and TVOntario. Frankly, the areas that they looked at—the LCBO is very profitable to the government, so there was a natural disinclination to do that.

Privatizing road safety, or privatizing the driver testing function, is, for the reasons cited by other members, not an appropriate item for privatization. Let me just address what my specific concerns are. First of all, the bill is silent about further privatizations in the role of inspections and otherwise. When you privatize a service of this nature, you are running certain risks around safety. It's been argued by other speakers before me that safety must be our primary concern in these matters.

The second issue that I have on a theoretical and practical basis is potentially higher costs for drivers. Driver testing companies will set their basic fee as set by government, but they will be able to offer additional services that, by the way, may invite fees. We're concerned that people taking drivers' tests may feel compelled to buy these additional services in order to pass the test.

My colleagues from the north and rural areas have spoken about a reduction in service for those rural and northern communities that they represent. I can tell you now that, because of this government's starving of this particular function, even in a community like mine, Windsor, waits are very long even though it's a cash generator for the government.

The final concern that we've identified is the access to confidential information. We've heard the stories. In the current climate particularly, the notion of the private sector involvement with all this confidential information is troublesome to us. That's why we have decided not to support this bill.

There must be certain services that are public. There are services, particularly when you're dealing with questions of safety, that ought, in our view, not be privatized because of those safety concerns. My colleague from Timiskaming put it best when he talked about the natural inclination of private sector companies to cut corners in the interests of profit—not that there's anything wrong with profit. This is not an argument about whether or not a company should make a profit. It's an argument about whether it's the private sector or the public sector that is best positioned and best able to deliver a certain service.

In this case, we're talking specifically about driver testing, something that I think we all take very seriously because we all drive. There are thousands of vehicles on the road, thousands of drivers, and all of us want to be sure that that testing is the best possible available and that we're not cutting costs. This thing generates lots of cash for the government. We've all waited in line on our birthdays to renew our stickers; we've all been through drivers' tests; we've all been through licence renewals, and those services have been drastically cut.

The final note I wanted to make with respect to privatization is that I believe, and this government did not—and it's one of its very first bills, Bill 7, way back in 1995, which took away successor rights from our public service employees. Governments had to downsize at all levels and there were tough decisions to be made, and we all agreed with that. I don't think anybody disputed that. The previous NDP government had already begun the exercise to some extent. But to not afford those public sector workers successor rights, that is, the ability to keep their job whether or not it's privatized, in my view is a very fundamental problem with this government's approach to the whole issue of privatization.

Again, one must be very careful when one considers privatization initiatives. I remember when this government decided to privatize road maintenance. They started with about 1,200 kilometres in southwestern Ontario and the government repeatedly put the argument that there was a cost-benefit to the province of doing this. But again, in his 1999 report, the Provincial Auditor showed that the privatization had not saved any money and, I'm quoting the auditor now, "It may ultimately result in significant increases in the cost of highway maintenance." Why? I think there's a whole variety of reasons. To my way of thinking, the main reason for that is that the nature of that particular function was such that there are only three large conglomerates that could actually bid on this service. So what you did was you effectively created, for all intents and purposes, a monopoly situation. Companies can't just move in and out of this service. It's a 20-year thing. So once you've got them, they've got you, because you can't just replace them quickly. In the case of driver testing, it has more to do specifically with road safety.

Personally, I believe that if an opportunity exists for government to offer a service in a better and more efficient fashion through the private sector, and if those public sector employees who would be dislocated maintained their successor rights and a compelling case can be made that it's in the broader public interest to do that privatization, then I think we all ought to look seriously at that. This particular bill fails on all three counts. It fails because, in our view, this is a public safety matter, one that is best protected and guaranteed by the public sector. Second, there are no successor rights for the public sector employees who will be dislocated as a result of this initiative. Third, it is a cash generator, it makes us money, and the government has not, in my view, put a compelling case that the service will be better offered.

In fact, it's our view that the service will be not as well offered, particularly in those northern and rural communities. Governments do have an obligation to provide

that service to those communities where it's not simply the bottom line or the most efficient operation, because providing those services, by definition, to rural communities and northern communities particularly may not be efficient. In fact, it may be that only government can provide it because it's not a profitable undertaking. It costs more to run a small rural office than that office might take in, in terms of fees and so on.

The province of Ontario, the government of Ontario, this government, a government that readily subscribes to these ideas and one that campaigned on them and has been consistent, when they came to office they didn't embark on all those privatizations that they talked about because they discovered they weren't necessarily in the public interest. I believe in the integrity of the members opposite, that they want to do what is in the public interest. As a result, they haven't moved quickly in that whole area, and I'm thankful for that and I'm thankful that they looked at those cases and have slowed down.

Ontario under successive governments, and I include the Davis government, the Peterson government and the Rae government, did not get into the private sector the way, say, our federal government did over the years. The federal government was into all kinds of businesses they've now divested themselves of quite appropriately. Ontario never got to that situation.

The government's view is that this will provide a better and more cost-efficient service. Our view is the opposite. Our view is that public safety is very important here, that overall it is not going to enhance service and it will cause significant dislocation to public servants.

The proper direction—

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** But the question is, would you change it?

**Mr Duncan:** Yes, to address the member for Grey-Owen Sound—would be for the government to invest money in those offices—they're net cash generators—and to invest in public safety in every community, particularly those rural communities that are badly serviced now and will likely have even less service available to them, and an essential service. That, in our view, is the proper way to go.

Therefore, like my colleagues, I'll be voting against this bill. At the end of the day, in our view, our roads will be less safe, the government will have less opportunity to manage this system and service will be reduced for our constituents, particularly in the northern and rural areas.

**The Deputy Speaker:** It being 6 of the clock, this House stands adjourned until 6:45 of the clock.

*The House adjourned at 1801.*

*Evening meeting reported in volume B.*



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**Mardi 2 octobre 2001**



**Speaker**  
Honourable Gary Carr

**Président**  
L'honorable Gary Carr

**Clerk**  
Claude L. DesRosiers

**Greffier**  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 2 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 2 octobre 2001

*The House met at 1845.*

### ORDERS OF THE DAY

#### FOOD SAFETY AND QUALITY ACT, 2001

#### LOI DE 2001 SUR LA QUALITÉ ET LA SALUBRITÉ DES ALIMENTS

Resuming the debate adjourned on September 27, 2001, on the motion for second reading of Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts / *Projet de loi 87, Loi visant à réglementer la qualité et la salubrité des aliments, à apporter des modifications complémentaires à d'autres lois et à en abroger d'autres.*

**The Deputy Speaker (Mr Michael A. Brown):** Further debate?

**Mr Norm Miller (Parry Sound-Muskoka):** I am pleased to have the opportunity to address Bill 87, the proposed Food Safety and Quality Act, this evening. As we've heard, the purpose of this act is to protect the public by ensuring consistent and high standards for food grown and processed in the province.

Ontario has an excellent record on food safety, and the high standards of its food safety system are continually being updated to minimize both health and economic risks.

The Premier doesn't get on TV much, so he's decided to join me here.

Over the years our eating habits have changed. Different types of food are available and are more widely distributed. In addition, advanced technology, the diversification and aging of our population and changes in lifestyles have encouraged the development of new foods and beverages. These foods and drinks may be produced here or in other parts of Canada or in the farthest corners of the world. Because of these factors, new food hazards arrive here in Ontario. With the variety and availability of these foods, we involve ourselves with a higher risk of food-borne illness.

Every day that we go to the store, we buy groceries and we rely on food producers, manufacturers and retailers to ensure their food is safe. We also expect governments to exercise their authority to set food safety and marketing standards and to make sure the standards are met.

In Ontario, we must keep up to date with scientific changes, information, technology and industry practices and we must modernize our approach to, and role in, the food safety system. We need to renew Ontario's food safety system.

Developments in science and technology mean that we can improve the safety of our food by identifying potential hazards and minimizing risks. That is why we have introduced Bill 87, the Food Safety and Quality Act, to increase the effectiveness of the provincial food safety system, further ensure the safety of the public's health, increase consumer confidence and improve the marketability of Ontario's agri-food products.

The proposed Food Safety and Quality Act would consolidate and modernize the food safety and quality components of five food-related statutes that are currently under the Ontario Ministry of Agriculture, Food and Rural Affairs' jurisdiction. They are the Dead Animal Disposal Act, the Edible Oil Products Act, the Farm Products Grades and Sales Act, the Livestock and Livestock Products Act, and the Meat Inspection Act.

A sixth act, the Ministry of Natural Resources' Fish Inspection Act, would also be consolidated under the proposed legislation, and the Ontario Ministry of Agriculture, Food and Rural Affairs would be responsible for the administration of fish regulations under the bill. This means the food safety and quality requirements for commercially harvested Ontario fish, including fish from aquaculture operations and fish processing, would be established and administered under the same act as most other provincially regulated food productions.

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This is relevant to my riding of Parry Sound-Muskoka, given our northern location and the fishing industry that exists there. Currently, the Ministry of Natural Resources is responsible for making sure that the fish caught, produced, sold and processed in Ontario are safe to consume. Regulations that would be developed under the proposed Food Safety and Quality Act would transfer the inspection of commercially harvested Ontario fish, including fish from aquaculture operations and fish processing, to the Ministry of Agriculture, Food and Rural Affairs. In addition, Parry Sound-Muskoka has an active fish farming industry where both farm-raised and smoked fish are popular across the riding. I believe that this would be a better fit with Ontario Ministry of Agriculture, Food and Rural Affairs' mandate and expertise, as food safety is an important component of its core business.



It also ensures the consolidation of all provincial food inspection responsibilities, which will result in a more effective system. Ultimately, the goal of this proposed change is to minimize public health risks and maintain consumer confidence in Ontario's fish products. By bringing the food safety and quality requirements of these acts together under one umbrella, the consolidated act would establish a common approach and consistent standards for the safety and quality of our food.

Bill 87 is the culmination of a great deal of work by the Ministry of Agriculture, Food and Rural Affairs. In addition to developing the proposed act, we have undertaken several initiatives in recent years to help ensure that our food is safe and of the highest quality. I will speak about a few of them briefly.

As part of the normal course of business, the Ontario Ministry of Agriculture, Food and Rural Affairs recognizes the need for improved water quality standards at abattoirs. To address this, last year's staff upgraded testing programs and coordinated the installation of effective water treatment systems.

In addition to Bill 87, there is one other significant Ontario Ministry of Agriculture, Food and Rural Affairs initiative linked to improving Ontario's food safety system: Bill 81, the proposed Nutrient Management Act. Bill 81 and Bill 87 may have the common goal of improving the competitiveness and economic activity of the agriculture sector.

The proposed Nutrient Management Act addresses the management of materials containing nutrients and other farm practices, including the management of dead stock on the farm. Bill 87 includes the off-farm disposal of dead animals. These two bills are being coordinated to ensure that the appropriate management of dead stock is continued.

The proposed Food Safety and Quality Act would allow us to broaden the scope of Ontario's food safety system to cover more foods, starting at production and ensuring coverage throughout the food chain. We must take advantage of recent scientific advances to keep us competitive with the rest of the world. We need to strengthen enforcement measures to ensure the safety for all people of Ontario.

It's important to create a single, modern and comprehensive Food Safety and Quality Act rather than updating separate statutes. It lays the groundwork for integrating existing legislation, providing the flexibility industry needs to remain competitive and enhancing food safety throughout the food chain. The proposed legislation will provide the tools to efficiently manage the range of foods available in Ontario.

It will also clearly establish industry's primary role in governing the food it produces is safe and will define government's roles in standard setting and oversight of the entire system.

It's important to note that all of the players along the food supply chain have responsibility for the safety of food by ensuring that industry practices and facilities do not contaminate the food we eat, and the proposed

legislation recognizes this fact. Certainly in Parry Sound-Muskoka, where tourism is such an important industry—the number one industry in our riding—food safety is of utmost importance for all the people travelling to our beautiful riding.

Currently the compliance and enforcement tools vary with each piece of legislation. A single Food Safety and Quality Act would provide a common set of tools necessary for establishing, implementing and enforcing a comprehensive, efficient and effective food safety program.

With this proposed bill, the government will be able to set standards and requirements in order to effectively administer and enforce the act and its regulations with regard to food safety. If passed, regulations under the new act would be developed, in consultation with all the stakeholders, over the next few years. Full implementation of the changes to the food safety and quality system will depend on the timing of the approved regulations and the readiness of industry.

In closing, if passed, the Food Safety and Quality Act will ensure safe food for the people in Ontario and it will also open up new markets for Ontario producers and processors. I am in support of this legislation, which will provide clear, strong, science-based regulations to ensure that the people of Ontario continue to have a safe food supply.

**The Deputy Speaker:** Questions and comments?

**Mr Rick Bartolucci (Sudbury):** Speaker, I would like to thank the member from Parry Sound-Muskoka for his presentation. I don't agree with everything he said, but I do thank him for touching on some the issues I want to touch on in this response. Of course, the one that I'm most concerned about is that there are no regulations in place. There are no draft regulations in place, so really, we on this side of the House, and on the government side, don't know exactly in which direction this bill is going. The government says they're going to consult, but the people of Ontario, quite frankly, don't believe this government any more when it comes to their wanting to consult and then to make meaningful amendments. In this instance, they would be meaningful regulations, ensuring that what the people of Ontario want is included in the regulation. They have a history of not doing that, and that's why I think there is a level of mistrust by the people the member says they will be consulting.

Another thing concerns me. The member mentioned that food safety is a high priority in his riding. It is in mine, it is in fact in 103 ridings in Ontario, and it is around the world, I would suggest. Most jurisdictions ensure that there are enough people to ensure that food is inspected properly. This government did a masterful job of slashing the budget and slashing the inspectors, so now that checking of food becomes increasingly difficult.

As the government is so quick to point out, and I concur, the world changed on September 11. I suggest to this government that they have to hire more food inspectors, and certainly they have to put some of the resources back into the ministry that's going to be monitoring food safety in the province.

**Mr David Christopherson (Hamilton West):** In responding to the comments of the member from Parry Sound-Muskoka, let me also express my disappointment. This is an issue that really should be motherhood in this place and one that the government should have taken the extra steps necessary to ensure that there was close to unanimity on. And that's not as rare as we sometimes think; it just moves through here so quickly that it looks like it rarely happens, but it can happen.

On an issue like this, if you really want to convey that message, I say to the government members and specifically the member from Parry Sound-Muskoka, if you want that message to go from here this evening, based on your comments that all is well and that the government, through Bill 87, is on top of the issue of food safety and food quality, having us in support of that would take you a long, long way there. But again—and it's been said by many people; it will be said, I'm sure, throughout this whole debate—the fact that there's so little information gives you, the member from Parry Sound-Muskoka, an opportunity to stand in your place—and I'm sure you believe every word that you're saying about how wonderful this is and that it's going to deliver all that you say.

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But all we're left with at this point is the reputation of this government when it comes to these kinds of important life issues, because we don't have the legislation, we don't have the regulations, and without that, it's pretty much meaningless. You could go almost 180 degrees from everything you've said this evening by virtue of the regulations.

I point out in the moments I have left that in 1994-95 there were 103 full-time meat inspectors in the province. Thanks to your budget cuts, in the year 2000-01 we're down to eight full-time inspectors. My time is up. Thank you, Speaker.

**Mr Doug Galt (Northumberland):** I'd first like to compliment the member from Parry Sound-Muskoka on just an exceptional speech; the presentation, the delivery, the content were exceptional. I'm very disappointed in the member from Sudbury and the member from Hamilton West and their comments about the content of it.

They both talked about regulations, and both of them know—they very well know—that you can't have regulations until you have the authority of the bill in place to bring those regulations forward. It's like a broken record to hear them carrying on about these regulations when they know in fact they're just playing games. We hear it on the road at hearings, and it goes on.

The member from Sudbury talked about consultations. A hallmark of this government is consultation. It doesn't matter whether you talk about hearings and the number of hours on the road or whether you talk about consultations and working on various task forces. We've been going on over two years on the nutrient management one having to do with Bill 81. And they've been working close to 10 years on this food safety one. That's

the kind of consultation that's been going on in this ministry and in this government in particular.

I wanted to zero in for a moment on the member from Parry Sound-Muskoka. He talks about different foods, and it's certainly a real revelation in this country of the different kinds of foods we get to eat year-round. Certainly safety concerns come with those foods, whether they're imported or grown here at home.

I like the way he rolled in the fish inspection as he related it to his own riding. He talks about consumer confidence, and when could that be more relevant than right here today, particularly post-September 11, whether it be in food or in any other product?

All in all, I thought the member from Parry Sound really put it together, encapsulated the content of this bill and just did an exceptional job.

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I can't let that go by, what the past speaker said about how they consulted. There was all kinds of consulting going on before the 1995 election. When there was no money to be taken out of agriculture, what happened; no money out of health care, what happened?

At the hearings on the nutrient management—and the member was there—when the question was asked, “Would you support this bill if you didn't know what was in the regulations?” the people there were very hesitant to say they would.

I know the other thing is the dead livestock issue, a big concern in all of Ontario where the price of leather has dropped, and that's a big problem for the province, the disposal of livestock. Ever since I came to this Legislature I've been a proponent of adding value to what we grow here in this province, and we'd create a lot of jobs.

I can't help but think—the member was talking about the inspectors and consulting; the food inspectors dropped to 80 from 130 to cover this province—there are only five enforcement officers across this province, and I don't know how they can catch all the problems we have. I know Ontario is known for the best quality food. I'm concerned about what food comes into this province from other jurisdictions. I think that's where the inspections and the inspectors have got to look to try to solve some of these problems. If we don't have quality food, quality water and quality air, we will pay for it through our health care system. There should be lots of government involvement in that, because all of Ontario depends on it.

**The Deputy Speaker:** Response?

**Mr Miller:** Thank you to the member from Sudbury, the member from Hamilton West, the member from Northumberland and the member from Stormont-Dundas-Charlottenburgh for your comments on my speech.

The member from Sudbury raised questions to do with the regulations in this bill, Bill 87, the Food Safety and Quality Act. Certainly one of the benefits of having flexibility in regulations versus having all the rules written into the bill itself is that regulations can change over time. It's a lot easier to change regulations. They don't have to come to this Legislature; they can be changed by



cabinet. As science changes, as the practices change, those regulations can change over time where they make sense to change. So that is one real benefit to having flexibility in the bill and having some of the detail in the regulations.

The member from Hamilton West also brought up some good points, and the member from Northumberland seemed to be very enthusiastic about my speech delivery this evening. So thank you very much for that, member from Northumberland. I'm certain that this new bill is going to bring in consistent high standards for the quality of the food in this province.

**The Deputy Speaker:** Further debate?

**Mr Cleary:** I will be sharing my time with the member from Prescott-Russell this evening.

Food safety, the quality of air we breathe and the water we drink are very important to the residents of Ontario, and it's important that government be involved. Without food, air and water, life would be unsustainable, and it's critically important that the lawmakers recognize this. If not, we will pay through the health care system. We know the importance of clean air, safe food and potable water. It's a surprise to me that the government would introduce this bill with a lack of any real substance and, worse yet, the mechanism for financing an already overburdened food and safety inspection service in Ontario.

During the 1995 election campaign we were promised by the Tory members at that time that there would be no cuts to agriculture, no cuts to health care, no cuts to the Attorney General's office. The budget for food safety has gone from \$12.5 million to \$7 million in this fiscal year alone. OMAFRA has only 80 food inspectors compared to 130, and the number of enforcement officers is now down to five for the whole province of Ontario. Many in my community and others think this is a disgrace.

Protecting our food is absolutely crucial. I would like to talk to the members opposite, if they're not concerned with the few inspectors and inspections that we have, about the food that we may eat and our families may eat. Recent media stories have abounded with news of illegal and unsanitary slaughterhouses and meat processors, yet this government hasn't seen fit to put a penny into food safety and inspection.

Not only does this bill fail to make adequate funding available to food safety, but all the important aspects of the bill are set out in regulations.

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When we were at the hearings on this bill, many thought the bill could be OK. When these members who made presentations were asked if they would support the bill without seeing regulations, the answer was no. We still haven't even seen a draft of the regulations, and we're asked to pass a piece of legislation without seeing the draft. The bill is merely a shell that carries no weight without additional regulation. It is irresponsible of the government to present the legislation without even so much as a draft copy of regulations that are the backbone of the bill.

This bill also repeals the Dead Animal Disposal Act. Dead stock removal is a tremendously important part of this bill, and I do know that dead livestock collectors are under severe financial circumstances on account of the hides having dropped drastically in price. Some collectors have approached me and they were unable to renew contracts. The government needs to enact effective legislation to ensure that dead animals are safely disposed of. However, as it is unclear whether or not the legislation will in fact do that, we are voting blind on this issue.

The bill also makes references to the "delivery mechanism," which generally means that privatization and downloading is just around the corner.

It is the responsibility of the government to ensure that food safety standards are the same across the province. Food safety is a matter of public health and is the responsibility of the government. You can't cut corners on public health. We know we have the best quality food growing in Ontario. There's no question that food safety impacts health care in the province.

There is no question there is a health care crisis in Ontario. In the 1995 election campaign, Mike Harris went on Global TV with Robert Fisher about the health care system and how there were no plans to close hospitals. There were no plans to cut agriculture; there were no plans to cut the Attorney General's office. We all know what happened. In many parts of this communities in Ontario, we are suffering a great deal with waiting lists to get into hospitals, and the agricultural community don't have the services they had.

In my part of Ontario, in the 1999 election campaign, we had said that, if elected, we would revisit the health care system and the hospital restructuring commission's decisions. Just recently in our community in eastern Ontario, the municipal council has decided they want to revisit that issue. It's a rural area and many crucial health issues are there at the present time. Health care is one of the biggest issues. The government has to do more to improve the health care system. All Ontarians deserve the best health care system we can have.

The other thing I want to mention here is the squeeze kid law. In our part of Ontario we had service clubs trying to raise money for hospitals, and they were shut down by the provincial police on account of the squeeze kid law. That was a big concern and they were very upset about that.

Protecting our groundwater is paramount to good health. Many in my community are concerned that the Ministry of the Environment is too quick to approve certificates of approval for spreading biosolids—

**Mr Galt:** On a point of order, Mr Speaker: This is very interesting, listening to the debate about health and all the other areas. I wonder if there's any chance we could hear something about Bill 87, food safety?

**The Deputy Speaker:** The member for Stormont-Dundas-Charlottenburgh has the floor.

**Mr Cleary:** I'd just like to reply to the member over there that I think what I'm talking about all has to do

with food safety: the Ministry of the Environment, the Ministry of Health. Where has he been?

**Mr Galt:** Just on topic.

**The Deputy Speaker:** The member for Northumberland will come to order.

**Mr Cleary:** Food safety and the protection of water are paramount to ensure public health, yet the government seems more ready than ever to pass the responsibility of guaranteeing food safety on to others. Unfortunately, we all know of the downloading this government has done. Our municipalities are struggling to make ends meet, because they have to assume the responsibility for different things: housing, roads and bridges.

In my riding, many of the farmers and the agriculture people depend on the roads and bridges to move their produce to market and their machinery and their equipment. They have even had to close roads in my community and bridges and overpasses on account of the fact that they were in such a poor state of repair. This is very hard on the agriculture community.

With traffic limited in some cases to one lane, it significantly increases the risk of accidents. It is only a matter of time until someone is seriously hurt. Much of this is big combines, produce going to market, corn and everything else that goes along with it. It has also forced trucks and buses and emergency vehicles to go to different areas and take longer routes into the agriculture community. With the downloading the province has heaped on to municipalities, it is very difficult for them to keep the roads and bridges up.

For years I've been an advocate for the safety of our water, air and food. These things are essential to life and they have to be protected by legislation that is fair and not laid out in regulations that are to be determined later. You can't ask members to vote blind on legislation of any kind, least of all legislation that is incredibly important.

Another part of the bill is food safety and providing funding for necessary food inspection services. The budget needs to be beefed up, not decreased. We need more inspectors, not fewer. This legislation does nothing to address this critical area.

I am in favour of all the measures on the safety of the food we eat, and I will work with the government and do my best if they will provide some material in the regulations that we will all see that we can support.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I'm pleased to speak on this bill tonight, especially when we talk about safety for our Ontarians.

This bill is virtually meaningless to us. Once again, this government is trying to force legislation on small business, without providing any funding. Not even a cent is committed with this bill.

The only thing we will see is that the small rural slaughterhouse will disappear. I take it the ones who have worked on this Bill 87 haven't been driving around the rural sector too often. It reminds me of the ice storm. I remember calling the Guelph institution and telling them

that some people needed electricity. I said they have to operate their silos. The answer was, "They could do it by hand." I was very, very disappointed with the answer that I got at that time.

My leader, Dalton McGuinty, and all of the Liberal caucus strongly support all measures necessary to ensure Ontario's food is safe, but this bill, as I said, is a public relations statement by this government, without any money. When I say "without any money," it's really public relations, and for the immediate, it looks very good, but someone will have to pay. It is quite likely we will not hear too much about this bill, because there is no funding involved. When there is funding involved, they announce it over and over again—and sometimes up to three, four, five times—before they go ahead with any project.

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I am sure we will hear several times about the tax cut Mr Harris announced yesterday on his video. Again, this tax cut comes at a very bad time of the year. We know that our economy is going down. We would have been better off to spend that \$176 million on health care, on education or on the environmental program we have. At the present time the municipalities are suffering. They have no money to fix the roads, but once again we have to go back to Bill 87.

In the 1995 election, Mr Harris said, "No cuts to agriculture." Today's budget for agriculture, or OMAFRA, is \$340 million. They will say, "We have increased our budget from last year." Yes, they have increased, but they have transferred \$40 million from last year's to this year's budget. It looks good, but they didn't use that money last year. They tried to put it aside to make it look good for this year.

Well, Mr Harris, let me tell you that our agriculture community has not seen a cent of new money for food inspection and food safety since 1995. In fact, the budget for food inspection and safety has declined by 45%—yes, I am saying 45%—from \$12.5 million to \$7 million this fiscal year. Let me tell you, our agriculture community is concerned. As the second-largest business in Ontario, it has one of the smallest budgets of the province.

OMAFRA inspectors are in a situation very similar to the environmental inspectors'. The number of OMAFRA inspectors has declined from 130 to 80, and we have more people. Now we have a population in Ontario of 11.7 million and we are reducing the number of inspectors. It's like a deconstruction of itself. I have said many times to the Minister of Finance and the Minister of Labour that we were losing a minimum of \$300 million a year in tax evasion. Now the minister of revenue tells me, "Yes, you were right, Jean-Marc. Since you brought that to our attention, we have collected over \$100 million."

Do you know there are only five enforcement officers for the entire province? These cuts in staff have had a direct impact on the enforcement of Ontario's food safety laws. As I said, Dalton McGuinty and the Ontario Liberal caucus support additional measures to ensure food safety,



but not without the necessary staffing and required funding.

I was just talking to a chap who used to be a meat inspector, and he was telling me, "Jean-Marc, do you know the government hasn't got any standards in place for inspecting the meat processing plants at the present time? Do you know you could walk into a grocery store and there is no regulation about meat safety?" I was surprised to hear that. It's because at the present time they have internal fighting between OMAFRA and the Ministry of Health.

**Mr Galt:** You mean your government didn't straighten it out?

**Mr Lalonde:** You've been in power since 1995. You spoke about that during the election, that you would put in place safety inspection for Ontario food consumers, but I don't think you have done it. You have reduced the number of inspectors.

This government first tried to amalgamate our communities without proper funding, and that is not working yet. They amalgamated our school boards, and that is not working yet, as we found out just lately. They sell our assets, which the next generation will have to pay for. They amalgamate hospitals without any proper funding. The lineups are longer in our emergency rooms, and they are longer for MRIs, up to seven and eight months. What they do in the Ottawa area—they have, just across the border on the Quebec side, in Hull, what they call the Ottawa Valley MRI Centre. The government is pleased to hear that because our Ontarians that go to the other side have to pay \$775 to get an MRI. I can tell you that these people are paying that amount but it is a cost saving to the Ontario government. I have two cases that, if they hadn't gone to the other side, would still be tied to their beds. Today they are walking and back to work. Because of this government, we could have had these people tied to their beds for many years to come.

Doctors are leaving because they are fed up. Here again proper funding has not been provided. The Ottawa Hospital's shortfall at the present time—I was just reading that last week—is \$120 million, and it was supposed to be a balanced budget. According to the Minister of Health, with these amalgamations of hospitals everything was going to be fine. Now they are telling the municipality, "If you want to pay for the shortfall, you have to add this to the municipal property taxes." The people are not fooled. They said, "We will not pay. It is the government's responsibility to look after our health care." Now this government wants to overhaul and streamline the Ontario food safety rules into one central law, with one central authority responsible for this law. I have been working with Machabee in my area and I spoke to the member who used to be the PA for agriculture. I don't know if he's still here, the member—I'm not supposed to name the name, but Doug Galt. He was surprised—

**Mrs Julia Munro (York North):** Northumberland.

**Mr Lalonde:** Northumberland, you got it. Thank you. He was surprised when I told him, when we were

walking down the street in Chicago one day, that it is a major problem in the rural areas. What are we going to do with the dead cattle that we have? He told me, "Jean-Marc, do you still have problems with that?" All you have to do, the member from Northumberland, is go down to the rural areas and speak to the people.

**Mr Christopherson:** I'm pleased to respond to the comments of my colleagues from Stormont-Dundas-Charlottenburgh and Glengarry-Prescott-Russell.

First of all the member from Stormont-Dundas-Charlottenburgh talked about safety, which prompted, as you'll recall, one of the opposition backbenchers to pop up on his hind legs and complain that it wasn't germane to Bill 87, in his esteemed opinion. I can't think of anything that is more germane to this bill than when we're talking safety. He was talking about safety on our streets, he was talking about safety in terms of the Ministry of the Environment, he was talking about water safety and he was talking about land safety and food safety. How can that not be relevant to Bill 87, I say, when this is supposed to be all about health, all about safety, all about quality food? The fact of the matter is that it is entirely appropriate that the member would stand back and put this in its context.

My friend from Glengarry-Prescott-Russell talked about the fact that there was no direct money tied to this particular bill. That's a good point to raise. It's good to put all of this in the proper context. This is a government that has decided that the Ministry of Agriculture, Food and Rural Affairs is so important to them, this Ministry and these issues are so important, that you saw fit to cut the operating budget by \$200 million. It doesn't sound like much of a priority to me. So it was appropriate to talk about the money, it was appropriate to talk about the safety and it's appropriate to stand back and put this legislation in its context. At the end of the day, at best, this bill is a question mark.

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**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** I appreciate these two minutes to speak a bit on what the members across have said about the Food Safety and Quality Act and the nutrient plan, which is all involved in this whole thing.

I too have concerns about being governed by regulations. As I've noticed in both these bills, I believe that the members on the other side would support the nutrient plan bill and even this bill in principle. That's what I've heard. I went on committee on the nutrient plan, and it seemed that the Liberals and the NDP, along with us, were supporting in principle that we need a bill, and I think in principle they support food safety. But then we come to the regulations, and they have concerns and so do I have concerns.

If we have all-party support from both sides of the House for these bills, then why wouldn't we have support to say, "Take the regulations to an all-party committee to discuss them before maybe they're in force"? I think, though, that we'd have to do some jiggling to make sure that the opposition does support the bills in principle.

Then let's look at the regulations, because that is where the meat of the bill comes, and we need to know what those regulations are.

I am concerned that my small abattoirs. If they were to be put out of business because of regulations that we put in at this House, then that would be unfortunate, because I have a lot of small abattoirs in my riding that do a great job now and will continue to do a good job. We don't want to put them out of business, yet we need food safety, which we all agree on.

I would challenge the opposition to talk to their House leaders and get together and say, "In principle we do support these bills, but we want to look at the regulations with you people in an all-party committee"—it would be the same as the committees that go out now—"before they're all put into force."

**Mr Bartolucci:** I'd like to thank my colleagues from Stormont-Dundas-Charlottenburgh and from Glengarry-Prescott-Russell for their very insightful presentation to the House and to the people of Ontario.

Certainly the experience and the wisdom of the member from Stormont-Dundas-Charlottenburgh is self-evident when he says, "You can't cut corners on public health." How true that is. That's one of the reasons we have strong reservations about this particular bill.

He spoke about the lack of regulations. If the government wanted to be so co-operative and work with both sides of the House, they might want to bring some type of draft regulations so that we can have an opportunity to discuss and debate that before this becomes law. I suggest to you that that's what the people of Ontario want. The member from Glengarry-Prescott-Russell surprises us all and certainly surprises the people of Ontario when he says that at the present time there are no regulations on meat safety. That's pretty scary, when you look at the potential for disaster when we have no regulations on meat safety. I find it mind-boggling that a government would allow that to happen.

I suggest to you that my two fellow Liberal colleagues have made some excellent points, some points that are worthy of further discussion. The principle of food safety: no one in their right mind is against ensuring the highest quality of safety standards when it comes to food. The government now has to show that they have that belief by providing this side of the House and the people of Ontario with a lot more evidence, at least with some draft regulations.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I'd like to make some response to the members from Glengarry-Prescott-Russell and Stormont-Dundas-Charlottenburgh. I believe that all members of this House, and I'm stating the obvious, believe in food safety. We all want to believe in the safety of water. There are a number of pieces of legislation that are going through the House now with respect to water. The people of this province want to be confident in the water that they're drinking and the food that they're eating.

Anyone from this province who travels to other countries around the world, not all of them but many of

them, when they go to those countries, they feel nervous about the food they're eating. The member from Parry Sound-Muskoka talked about tourism. It is so important, when you go to other countries as a tourist, that you're confident that the food you're eating is safe and that you're not going to get sick—you're on holidays for two weeks or for a week—on the second day after eating food that's bad. I believe that in this province we want that safety to exist too, not only for the people who are coming from other countries but for the people that are here.

Now, my friends on the other side have talked about draft regulations. It's an interesting observation. Of course, the regulations in this place normally aren't created, and never have been, until after all the amendments have been in. If there are any committee hearings, there may be recommendations where the bill may change, and I think it would be most inappropriate to prepare regulations until that process takes place. The regulations are prepared for administrative purposes. I don't think it's the job of legislators to draft the regulations of this House.

**The Deputy Speaker:** Response?

**Mr Lalonde:** Yes, definitely, at the present time the reason that we don't have any standards is because OMAFRA and the health ministry never agreed on setting up standards. At the present time, this government—or I don't know who's responsible—has stopped giving proper training for those inspectors.

At the present time, also, the latest I heard was they were taking retired police officers to do the inspections. What do they know about meat inspection? I don't know. This might create an additional black market, because in the rural community where there are a lot of dairy farmers, lots of cattle, you tend to lose a cow once in a while to a broken leg and you have to go to the slaughterhouse immediately, but with this bill, at the present time there's no guarantee that there will be a slaughterhouse in the rural sector. They might centralize everything in a central area, but people just don't want to travel 100 kilometres, 200 kilometres to go to a slaughterhouse. So what are they going to do? They're going to kill the cow in the barn and do the work right in there, so that it's going to go on the market and then that meat won't have the proper inspection. This is what I'm expecting with this, because there is no money at all in the budget or in this bill that is a guarantee that this government will spend money for those inspections or the training.

I believe this is going to go to the private sector and, again, the private sector, as we know, is there to make a buck, and when they are not getting satisfaction with the money that they receive, sometimes they tend to send people who are not properly trained, like we see at the present time in the home care sector.

**The Deputy Speaker:** Further debate. I believe the rotation goes to the Conservative benches. Oh, I'm sorry. Leader of the third party.

**Mr Howard Hampton (Kenora-Rainy River):** I would not want to miss the opportunity to speak to legis-



lation which, once again, the government has had a great deal to say about and legislation which the government has spent a great deal of time promoting, but legislation which I think has a rather unfortunate history to it.

I want to give people across Ontario some context. This was a government that, when they became the government in 1995, went out and publicly said that literally dozens of food inspectors who were then working for the Ministry of Health were not needed, were unnecessary, that the important work they did in inspecting abattoirs—and for people who don't know, an abattoir is where livestock would be slaughtered—or inspecting smaller meat-packing plants which were within provincial jurisdiction was not needed. So this government literally got rid of not 10, not 20, not 30 but over 100 meat inspectors across the province.

Now, if this sounds a little bit like the situation that happened in the Ministry of the Environment where inspectors of the water treatment facilities, inspectors of the sewage treatment facilities were let go, if this sounds a little bit like the situation which occurred in the Ministry of the Environment, where the government literally dropped the ball on enforcement and said that enforcement of Ministry of the Environment rules and Ministry of the Environment inspectors was no longer important, well, that likeness is certainly true, because the situations are virtually identical.

1940

Let me just go back a few years. In 1989-90, to give some context, there were 142 full-time meat inspectors and 38 contracted meat inspectors in the province, for a total of 180, and there were 5.8 million livestock inspected by those inspectors and about 300 abattoirs to be inspected.

By 1994-95, there were 103 full-time inspectors, there were 79 contract inspectors, for a total of 182, and there were 288 abattoirs to be inspected.

In 1995-96, there were 90 full-time inspectors and 85 contractors, for 175 total, and 8.8 million head of livestock inspected at 279 abattoirs; that worked out to 177,000 hours of inspection.

But the next year, the number of full-time inspectors was cut in half, from 90 to 42. The next year, 1997-98, the number of full-time inspectors was cut from 42 to 13, and by 1998-99, the government had cut it to seven; only seven full-time meat inspectors, 132 contract inspectors, for a total of 139. Keep in mind, just a couple of years before that there'd been a total of 180, and there were still 235 abattoirs.

By the next year, 1999-2000, eight full-time inspectors, 123 contractors, so a total of 131—so it has been cut again—the number has gone up from 5.8 million head of livestock to 9.9 million head of livestock; still 240 abattoirs, and the number of inspection hours has been cut to 132,000.

So the context for people across Ontario is this: this is a government that didn't believe that it was important to inspect the meat that you eat—whether it's pork or beef or poultry or perhaps some other kind of game. It hon-

estly didn't believe it was important to inspect, and so they cut the number of full-time inspectors from over 103, when they took government, to eight. Despite the fact that there was more livestock to be inspected, they had to dramatically curtail the number of inspections that were being done.

Then there's the issue of dairy inspection. Now, I understand that dairy inspection is to be done by federally appointed inspectors, but there's still room here for provincial inspection. There again, the number of full-time inspectors was cut; in fact it was totally privatized. So where there had been eight, it was totally privatized.

Horticultural inspectors: anybody who has gone to a vegetarian store or vegetarian shop will understand that *E coli* bacteria don't just live on meat or poultry; *E coli* can also attach to vegetable products. So inspecting vegetable products properly is also an important function here in terms of protecting people's health.

Well, what happened there? The number of inspectors there was cut from 18 full-time, 246 contract—that was a total of 268—to six full-time, five seasonal: a total of 11; from 268 to 11. Obviously this government doesn't think, once again, that ensuring that the food we eat is safe, ensuring that the food we eat is properly dealt with in order to ensure our health and our safety. This government doesn't consider that important.

The government is going to say, oh, but that's why they're introducing this bill. They're introducing this bill because just as with the events at Walkerton, once Walkerton happened, a few warning bells went off inside the government and people started to worry: "You know, we could literally, this government, be playing with fire, could be playing with people's health by not having enough inspection."

But before that happened, there was a whole list of other events. For example, last fall the Toronto Star did some excellent investigative reporting into illegal abattoirs and raised the issue of poor inspection levels for the public to see. In those reports we learned that the province's meat inspection system raises the same questions as water quality. Poor water quality, the government not ensuring water quality, the government not having enough inspectors to go out there and inspect water treatment plants and sewage treatment plants we have learned can kill people and can render thousands of people very ill.

The Toronto Star exposé showed that the province's meat inspection system, or lack thereof, raised the same questions as polluted water. What we learned from that Toronto Star exposé was that thousands of animals each year were being gutted in makeshift illegal slaughterhouses that weren't inspected at all. Not only were there not enough inspectors out there to inspect the provincially licensed slaughterhouses and provincially licensed abattoirs, not only were there not enough inspectors to do that work, but even more serious, there weren't enough inspectors out there to shut down the illegal slaughterhouses, the slaughterhouses that were operating completely outside the law and potentially were observing

absolutely no health and safety regulations. So thousands of animals each year were being gutted in makeshift, illegal slaughterhouses that weren't inspected.

The other point we learned from that Toronto Star exposé is that there simply weren't enough meat inspectors to handle the job. We learned that since 1995, so-called mobile inspectors were cut down to four from seven. We learned that numerous complaints from the public had been made to the Ministry of Agriculture about illegal slaughter operations and about illegal meats being marketed, and the ministry had made little if any effort to stop it or do anything about it. We also learned of several illegal slaughterhouses which the Ministry of Agriculture inspectors apparently knew about but had never inspected, I gather simply because they had too many other things on their plate.

We learned from that exposé that the sales of illegal meat were rising and that this government, through the Ministry of Agriculture, made absolutely no moves to act on illegal meat shops, no moves whatsoever, until after the Toronto Star had published its powerful exposé, that without the Toronto Star exposé, this government was prepared literally to turn a blind eye to the complaints that were coming from consumers, to complaints that were coming from legitimate slaughterhouses, about illegal operations that were existing totally outside the law and operations that were marketing meat that had not been inspected whatsoever. That's what has led to this.

In the aftermath of Walkerton, where people died, in the aftermath of that tragedy where thousands of people were rendered very seriously ill, something that may affect them for the rest of their lives, in the aftermath of the Toronto Star exposé, this government realized that they've got a problem, that they had to come up with some kind of response. The response is this bill. They call it Bill 87, the Food Safety and Quality Act.

1950

I just want to point out a few things about this legislation. What we were looking for when the government brought forward this legislation was a clear blueprint which was going to establish the regulatory regime. The regulatory regime would be clear for all to see. We wanted to see a clear blueprint which would establish what the enforcement mechanisms were going to be. We wanted to see a clear blueprint which would set out, at least in rough estimates, what it would cost to implement this and what the government's strategy was to put in place the required number of inspectors to ensure that those inspectors were well trained, that they were up to date with the law, that they were held accountable and that they had clear standards to operate by. So we were looking for those things because that's what you would want, after all, in a strategy that is supposed to protect people from unsafe or tainted meat. That's what you'd want in a strategy which is to ensure that the meat we eat, the agricultural products we eat, are properly inspected and have been certified as being healthy and safe for human consumption.

Alas, when New Democrats looked for that strategy, when we looked for those details, none of them was

there. In fact, there is no regime set out in this bill. There is no clear set of standards. There is nothing that would allow you to say, "I see how it's going to be done. I see what the standards are going to be. I see what the training is going to be for the inspectors. I see the accountability framework for those inspectors. I see how it's going to be paid for etc." None of that is there. In fact, this legislation is an empty shell. It's what you call enabling legislation. The standards are not set out. The enforcement regime is not set out. In fact, what you're told when you look at the bill is that all of those things, the meat of it, the important part of it, will come out in regulations.

This is like having a very serious health and safety problem, and then the government comes out and says, "Oh, we've got a bill, but don't look at the bill too carefully because there's not really any detail to it. There's not really any strategy to it. There's not really any accountability framework to it. It's merely enabling legislation." At some point in the future the government might pass regulations, and those regulations might deal with an enforcement strategy, they might deal with training and how meat inspectors are to be brought up to speed, they might deal with the accountability regime, they might set out other things; you don't know.

What does this mean? It means for all those consumers across Ontario, especially in rural Ontario, who might go to a small abattoir to purchase meat—and it's the smaller abattoirs that are provincially licensed—it means for all those people who might be going into small meat shops and buying meat, that they have no idea if the meat in question has been properly inspected, and they have no idea if in the future it's going to be properly inspected. People have no idea if this bill is going to address the very serious problem that was identified by the Toronto Star exposé.

The government touts this in their press release, in their usual bombast, in their usual propaganda spin, as modernizing Ontario's food safety system, as bringing it to a world-class level. But I say again that there is absolutely nothing in the legislation that supports those assertions, especially given that the real details, if there are any, will only come in regulations, which might or might not be made public at some future date.

They say that the regulations will establish food safety standards aimed at eliminating, reducing or controlling the risks to food safety at any point along the food system continuum, but there is nothing in this bill that will allow you to test that.

Now get this. This is what people really need to be aware of. Instead of having an enforcement regime, one which says, "This is how meat inspectors will be trained, this is the accountability framework they will have to respond to and this is basically how this strategy will work," instead of having any of those things, what it says is that it allows for alternative delivery of inspection and other services. What does that mean? For people at home, what it means is that the government can take something as important to your health and safety as meat inspection and turn it over to a private agency, which is much more



interested in how much money they can make than in doing proper, up-to-standard inspections. That's what it means.

It means that once you get through the propaganda spin, the government can simply turn this over to a private agency that is not accountable to the people of Ontario, that cannot be held accountable to the people of Ontario, that would simply have a contract with the government that says, "If you inspect this many times, you'll get paid this much," and that's it. That is what this government calls modernizing. That is what this government calls having a world-class system of inspection for food safety.

It says that penalties will be higher for those who violate food safety laws and get caught. As we've already exposed here and as the Toronto Star has exposed, in fact what has been happening under this government, and what was happening under this government, is that you're having all kinds of illegal abattoirs operating, you're having meat come on the market in terms of food stores and otherwise that had not been inspected, and no one knew if it was healthy or safe. We already know that this was a government that was turning a blind eye to the fact that there were illegal abattoirs operating out there. They are saying now that penalties will be higher for those who violate food safety laws and get caught. But with no assurances of enforcement, with no assurances that this government has suddenly changed its attitude and is going to take this seriously, I don't think there is any guarantee to the public whatsoever that this is going to result in a higher standard of food safety and food inspection.

It says that inspectors will have great powers to determine the source of food contamination, which will hopefully eliminate a food safety risk, but could simply act as a forensic science exercise after the fact. What that means is, yes, after people have suffered food poisoning, these inspectors will have a great deal of power. But what we want to know is, will there be enough of them? Will they be operating at a sufficiently high standard? Will the regulations and the legislation set out a regime which will prevent—not catch people after the fact—unsafe, unhealthy food from reaching the market?

Just a few comments about what the government said in its press releases and then again how this legislation fails to measure up: OMAFRA, the Ontario Ministry of Agriculture, Food and Rural Affairs, in their policy statements has said that their regulatory regime, their mode of doing food inspection, should be transparent; it should be fully transparent. What that means is that people should be able to understand it throughout, people should see what the accountability level is, people should be able to see how it's going to be enforced and people should see very clearly how this is going to work. But just looking at it for a second, you can see that this doesn't even measure up to what the Ontario Ministry of Agriculture, Food and Rural Affairs' expectations are, or what they say their standards ought to be, because so much is left to regulation.

2000

**Mr David Ramsay (Timiskaming-Cochrane):** On a point of order, Madam Speaker: I was just wondering if there is a quorum here at the moment.

**The Acting Speaker (Mrs Bountrogianni):** Is there a quorum?

**Clerk at the Table (Mr Todd Decker):** Quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** Leader of the third party.

**Mr Hampton:** This legislation, this regime, fails OMAFRA's own internal test of not being transparent, such that the public can easily understand it.

The second issue which I think people need to be aware of is this, and I want to refer specifically to Walkerton: in Walkerton, the government essentially closed down the government labs for the testing of water. This government said that there was no need for government labs to be there any more; there was no need for government testing of water. They said that the private testing of water would be acceptable. I want people across Ontario to reflect on that, because one of the things that happened at Walkerton, and it has pretty clearly been established on the record now, is that the private labs that were supposed to be doing the testing of Walkerton's water first of all failed in terms of some of the tests they were doing, and then, when they did determine that there were pollutants present in the water, failed to notify the medical officer of health and failed to notify the people in the Ministry of the Environment who should have been notified in order to take corrective action.

You would think that a government would have learned a lesson from that. You would think that a government would have learned that privatizing such a service that is so essential to people's health and safety is a very risky thing to do. But what do we find here? No, the government is going to repeat, if you look at the terms of this legislation, that awful exercise. Something which is an essential ingredient in terms of guaranteeing the health and the safety of the food we eat, this government is going to turn that over to private companies that, frankly, are not accountable to the people of Ontario, are not even accountable to this Legislature, because what they insist on in their contracts is that their contracts not be exposed, that their contracts not be open to public accountability and to public analysis. So this government is prepared once again to take huge risks with people's health and safety. It's right here in this legislation, which this government claims is going to modernize and give us a world-class system of food inspection.

I pointed out earlier that part of the problem was that this government laid off, got rid of, so many food inspectors in its first three years in office. It just laid off, got rid of, literally dozens of food inspectors. One of the things the public would want to see is that this legislation will ensure that those food inspectors are brought back

and that this legislation will ensure that this proper level of inspection is maintained. You can search in vain in this legislation. You can search all day long. The reality is that you will find no such guarantee at all.

So what's really here? I think what we have to admit is that there's not much here. If you can't guarantee that the 200-some food inspectors who were laid off are not going to be returned, if you can't guarantee that there's going to be some level of accountability and some regime of accountability for those food inspectors, if you can't guarantee the public that in terms of their training and their knowledge curve there's going to be a certain standard reached and maintained, there's really not much here other than an empty shell of a bill. That, I would suggest to people, is what we have here.

Now, there have been other examples of this. There have been other examples of what this government is doing. If you go back to the days of Ronald Reagan in the United States in the 1980s, similar things happened. The Reagan government got rid of a number of food inspectors, they got rid of a number of safety inspectors generally and then when they got caught, when some things started to go awry in terms of people's health and safety, what the Reagan government did was bring in new legislation. They would announce that legislation and there would be lots of press conferences and there would be all kinds of advertising campaigns and the legislation would be passed. But if you came along six months later what you'd discover is that there was absolutely no regime whatsoever for the implementation of the legislation, there was absolutely no regime whatsoever for the enforcement, and what's more, there was no budget. In other words, they would pass a law, hope to distract the public but provide no implementation strategy, no enforcement regime and no budget to do anything with.

I would have thought that by this point in time, the government would be able to come forward with a detailed plan—after all, this legislation was introduced some months ago—saying, “This is what we believe it will cost to bring food inspection up to a level which is necessary to guarantee the public's health and safety. This is what we believe will be required in terms of training for inspectors. This is what we believe will be required in terms of an implementation and an administration budget and an enforcement budget.” If the government were really serious, they'd be able to do that. They would be able to present that to us. In fact, nothing—nothing of the sort. So my fear is that what this government is really doing here is simply announcing another shell piece of legislation but they have absolutely no intention of bringing on the number of food inspectors who would be necessary; they have absolutely no intention of engaging in the level of training that's needed; they have no intention of putting together an enforcement budget or an enforcement regime or an implementation strategy or an administrative budget. In other words, like Ronald Reagan, it will be a lot of hoopla, some press releases, perhaps an advertising campaign on radio or television or in the newspapers, but that's about it.

I want to turn just for a minute to some of the other problems that happen, some of the other examples of problems that happen when governments privatize services that the public needs and the public depends on with little care for the public safety or the standards that the public needs if the system is to operate safely. I want to use as an example a government that this government is very close to. In fact, this government often stands up and says wonderful things about the Thatcher government in Great Britain. This is an example that I think some people will be familiar with. One of the things that the Conservative government under Margaret Thatcher in Great Britain privatized, got rid of, said, “You really don't need government to operate this. You really don't need government standards of service,” was in fact passenger rail. They turned passenger rail over to the private sector.

#### 2010

The problem just about everywhere is that whether they're commuter services from suburbs into the city or from suburban cities into the main city, no matter what, passenger rail services virtually nowhere in the world make a profit. The reason is because it is not so much something that you can charge a fee for that is quite high. If you're going to charge a fee that is quite high people will find other means of transportation. But the other means of transportation might pollute more or they might do other damage to the environment or they simply might congest the highways. So as a rule anywhere you go in the world passenger rail service does not generate a profit.

Nonetheless, they said, “Oh, no, this doesn't need to be a public service. We'll privatize it.” So they sold off passenger rail services to a series of private companies. The private companies were in it for money. What they wanted at the end of the year was to get a 15% profit, a 17% profit, a 20% profit. What they found in Britain was that the private operators were quite willing to let the standards decline—the safety standards—they were quite willing to reduce the amount of maintenance—they weren't doing the maintenance work on their signal systems, their tracks, their cars etc—all because they were more interested in the pursuit of profit than they were interested in guaranteeing the public's health and safety.

What happened in Britain after about six or seven years of that? I can tell you: there have been several very serious train wrecks in Britain, very serious train wrecks. Literally dozens of people have been killed and well in excess of 200 or 300 people have been seriously hurt. Why? Once again, because the government didn't believe that that service the public depends upon merited high standards, didn't believe that it should be operated as a public service with very high accountability levels to Parliament and very high accountability levels to the public as a whole. They simply said, “Oh, anybody can operate this.” Well, “anybody” turned out to be somebody who was more interested in profit and less interested in public safety.



I say again, that's what this government, if you read this legislation, is prepared to do here. Notwithstanding the very bad experiences in the recent past in terms of the private testing of water, they are prepared to sacrifice again the public interest, public health and public safety. And they're prepared to let a corporation which is more interested in profit than they are interested in public health and public safety take over the operation.

There's another element of this which needs examination, and the government so far as I can see has tried to stay completely away from this other issue which I want to mention. The other issue is particularly relevant when the government says they're going to modernize the food inspection system, they're going to create a very modern, a very state-of-the-art food inspection system. If we're talking about modernization, then it would seem to me that any food inspection system has to take into account the issue of genetically engineered foods.

Genetic engineering of foods is, after all, a very modern technique. It is something that has only become part of people's food experience in the last four or five years. So you would think that if a government is going to advertise, if they're going to promote their legislation as being modern, state-of-the-art and putting together a world-class food inspection system, you would expect that this food inspection system would be prepared to deal with the issue of genetically engineered food. But what does this legislation have to say about genetically engineered food? Nothing—not even mentioned, not even discussed.

I want to refer to some of those people out there who are looking at the issue of genetically engineered food. I want to refer to David Suzuki, well known to Canadians, who is a geneticist and a professor at the Sustainable Development Research Institute at the University of British Columbia. This is what Professor Suzuki has to say: "Genetically engineered food involves a revolutionary kind of technology, and it is far too early to know whether there are any health hazards from eating it." He then goes on to say, "People have a right to choose whether or not to be part of this experiment, and labelling" genetically engineered foods "gives them the choice."

I think people in Ontario would like to know if the food they're eating is genetically engineered, if the food they're eating has somehow been genetically manipulated. I think people in Ontario would like to know, and frankly I think they ought to be able to know, whether or not the food they're eating has been, as I say, genetically engineered and genetically manipulated. I would think any legislation which holds itself out as being very modern, state-of-the-art, world-class legislation to ensure the health and the safety of food would deal with that.

I want to dwell just for a moment on what Professor Suzuki has said, and also what Dr Warren Bell, president of the Canadian Association of Physicians for the Environment, has to say. He says, "So far, genetically engineered food crops have been developed without any input from an increasingly wary public, and against some very

detailed criticism from respected scientists." Then he goes on to say, "With mandatory labelling, corporations that promote genetically engineered foods will be forced to pay attention to those concerns" of food consumers.

There's nothing in this legislation about that. Apparently, this government doesn't believe that people across Ontario need to know that some of the food they may be eating has been genetically engineered or genetically manipulated. Apparently, this government doesn't believe that genetic engineering or genetic manipulation of our food has a safety or a health concern. Apparently, this government doesn't even think that people across Ontario deserve to know anything about this. That's quite incredible in the modern context.

For my part, I am not an expert on these issues. I wish that in presenting this legislation, the government had set out some parameters for genetically engineered food. I wish that, let us say, over the summer we had had the opportunity to bring in some scientists, some geneticists, to explore the issue of genetically engineered food and what the potential health and safety effects might be for people across Ontario, might be for people who eat genetically engineered or manipulated food. Nothing.

At the very least, I think people should know whether or not the food they're eating has been genetically engineered or genetically manipulated. There's nothing in this legislation whatsoever to provide people with that information. Yet the government says this legislation will give Ontario a modern, state-of-the-art, world-class food safety inspection and insurance system. Given all of the gaps, given all of the cracks and holes that I've identified in this legislation, I doubt very much that many people out there can have a lot of faith that this government is going to take these issues seriously, that this government is going to address them.

## 2020

The reason this is important, particularly the genetically engineered aspects, is that genetic engineering of food, as Dr Suzuki points out, is a very new thing. It involves revolutionary kinds of technology. There is a lot of debate—in fact, there's a lot of vigorous debate—within the scientific community about where genetically engineered foods will take us, what the ultimate impacts might be on the ecosystem, what the ultimate impacts might be on people. I think people ought to know about that. I think that ought to be something that, if not fully covered in this legislation, at least the requirement for labelling ought to be covered, if we're truly serious about having a modern, state-of-the-art, world-class system for the inspection of food from the perspective of health and safety and for ensuring that people can count on the food they're eating to be healthy, to be safe and not to have either short-term or long-term negative implications for their health.

Just to complete my discussion, I want to point out to people how widespread the concerns generally about food safety are and how serious they've been. For example, this is an article from the *Kitchener-Waterloo Record*, Saturday, November 18, 2000. The headline is,

"Meat Inspections Need Beefing Up." The Ontario Ministry of Agriculture, Food and Rural Affairs is responsible for the smaller abattoirs; they're called provincially inspected abattoirs. The article points out that lower standards and less vigilant inspection have applied. It goes on to point out that there are some big gaps in the provincially sponsored system of food inspection. Then it goes on to point out, again in the context of Walkerton, how important it is for this to be done right, to be done well and not to be compromised in any way. It's an excellent article. It actually goes out and talks to people who are buying meat. It actually, as I understand it, does some work in terms of taking the meat that people have purchased and doing further tests on it to ensure that it does meet standards.

In the final part of the article, it points out that when the Ministry of Agriculture and Food in Ontario was confronted with the fact that there was a serious problem, a number of these small abattoirs closed. One authority from the Ministry of Agriculture, Food and Rural Affairs actually admits in the article—he basically says, "I don't think we closed these plants; I don't think we actually went out there and inspected them and closed them. We may have closed a few of them. But what really happened is some of them may have closed up because they became worried about the potential for food contamination; they became worried in their own right about how serious the problems might be." But it's very clear from reading the article that a number of these smaller abattoirs which were operating outside the law did not close down because the Ministry of Agriculture and Food was there; they got scared on their own. That was an article in the *Kitchener paper*.

Then there's the *Hamilton Spectator*. This is an article from September 7, 2000, and the headline is, "Illegal Abattoir Causing a Stink: Neighbour Complained Wells Contaminated by E Coli." It details the problem in Hamilton. It details what was going on there. So that was another article. Keep in mind that this all happened after the government substantially reduced the number of food inspectors. This all happened after the government decided that keeping a number of well-trained, experienced food inspectors wasn't necessary in Ontario.

As I mentioned, there were a series of articles in the *Toronto Star*—Saturday, November 18, headline: "Serious Problems in Some Meat Plants; Yet Province Rarely Hands Out Tough Penalties to Offenders." Then it details the number of plants in and around the Toronto area and the problems with those small abattoirs and, frankly, how absent the Ministry of Agriculture, Food and Rural Affairs was on these issues. Let me just give you some examples.

The article refers to a most recent audit in November 1999. It says, "The most recent audit available, in November 1999, found 122 infractions, 43 of them critical, including 'Head and neck are skinned while the carcass is on the floor,' 'Meat that has not been inspected and approved is received in plant,' and 'Equipment and utensils used are not sanitary.'" This was going on. This is the kind of stuff that has been going on.

Let me refer to yet another article, and this again is from the *Hamilton Spectator*, Monday, November 20, 2000, and it is headlined, "Illegal Meat on Our Tables," and then the subheadline, "Tainted Meat." The article starts out by saying, "How safe is the meat you are eating? Government inspectors say the city of Toronto is one of the province's hot spots for illegal meat. One inspector says, '(Uninspected meat) could be in any neighbourhood.' Consumers should be aware of the health risks involved in buying illegally slaughtered meat." Then it points out:

"Meat from illegal slaughterhouses is making its way on to store shelves, restaurant tables and into homes across Ontario.

"Provincial law states every piece of meat sold in Ontario must be inspected by a government official before, during and after slaughter.

"Yet the flesh of animals slaughtered without inspection is being secretly transported to retail shelves.

"Dealers in illegally slaughtered meat—some killed and butchered in blood-soaked barns and basements—can run the gamut from individuals providing custom cuts to celebrate religious holidays, to underground suppliers unloading cheap meat.

"Government officials say Toronto is a provincial hot spot for illegal meat."

Then it goes on to detail a number of examples where this has happened, to detail just how serious this is and also to detail the fact that because the government does not have enough inspectors, because those inspectors are not adequately trained, because those inspectors have to have vigilance over far too many places, far too large a geographic area and far too many heads of livestock, they simply are not in a position to be able to do the job.

Another article, again the *Hamilton Spectator*, Monday, November 20, 2000, and the headline is, "Ministry Had to Read Riot Act to Abattoir." It starts out, "Problems at a Burford meat processing plant were resolved only after the provincial agriculture ministry read the riot act to the plant's owners.

"But ... the owner of" the plant "says a provincial inspector deserves most of the blame for the problems at his meat packing plant, which ran afoul of meat inspection regulations in the summer and fall of 1998.

"The food inspection branch of the Ministry of Agriculture, Food and Rural Affairs accused" this plant "of illegal slaughter of uninspected animals, of obstructing provincial meat inspectors, and of tampering with an animal carcass impounded by a provincial inspector. It then points out that every animal slaughtered is supposed to be inspected. Then it goes into the problems and it points out, 'Plant owners argued they thought the inspection had already taken place.' They believed that the Ministry of Agriculture had done the inspections. In fact the ministry, because it didn't have enough inspectors, was not able to do the inspections, and so both the Ministry of Agriculture, Food and Rural Affairs and the operator of the slaughterhouse were operating on the wrong assumptions—not enough inspectors and in-



spectors not available at the times when they're needed—and this is how tainted meat gets on the market.

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Another article, this one from the Ottawa Citizen, is entitled, "Slaughterhouse Loses Licence: Carleton Place Abattoir to Close at End of Month." This is dated April 19, 2001, just six months ago.

"A rural slaughterhouse near Carleton Place that lost its licence because the Ontario Ministry of Agriculture ruled it did not follow proper sanitary procedures will" still "remain open until April 30." Then it quotes Dr Baker, the veterinarian in charge of the ministry's food inspection branch, who says that the contaminated meat contained "fecal material." But then the article admits that the slaughterhouse will not be closed right away—this is April 19—it "will remain open until April 30," presumably still operating in the same way.

Again, to illustrate how widespread this problem is, this is an article from the North Bay Nugget dated Thursday, November 23, 2000, and it is headlined, "Small Abattoirs Forced Out." It blames strict regulations. This one is interesting, because by this time the Ministry of Agriculture, Food and Rural Affairs has been subjected to enough criticism and enough of these issues have been raised across the province that the Ministry of Agriculture, Food and Rural Affairs apparently decided they had to take some action, they had to get out there and present some kind of enforcement perception or some sort of enforcement visage for the people of Ontario to see. This article points out, "Beefed up provincial slaughterhouse rules killed part of a local family business in what the owners say is a deliberate design to eliminate small players to save money on inspections." This is what the particular farmer says: "The province is trying to close the small guys so that they only have two or three abattoirs in one region to inspect. It's so they can have fewer inspectors." Interesting. Then of course the director of inspections says, "Inspections are not bound by budget." This is after the budget of OMAFRA for food inspection has been cut by several million dollars and after hundreds of food inspectors have been shown the door—quite incredible.

What's the sum total of this? What should we gather from all of this? I think the first thing that people need to be aware of is that this was a serious problem in 1999, it was a serious problem in the year 2000 and it is a serious problem now. It has been a serious problem since the government laid off the dozens of food inspectors. It has been a serious problem since the part-time contractual people they hired, after they realized they made a mistake, in many cases received no training or inadequate training, and that, as was pointed out in the North Bay article, there still aren't enough food inspectors out there to inspect these small abattoirs, there aren't enough food inspectors out there to catch the illegally operating abattoirs; that even after abattoirs have been caught using inappropriate procedures, procedures that are not healthy and safe, they are allowed to continue. That is what comes out of the news coverage from across the province

over the last three years. That's the magnitude of the problem, and yet the government brings us a bill which has absolutely no regime of enforcement in it. It brings us a bill which has no standards for the training and education of inspectors. It has nothing in it about the accountability mechanism for those food inspectors. It has nothing in it which can assure the public that those food inspectors will be full-time people whose primary concern will be the health and safety of the food we eat and not be how quickly they can rush through a food inspection and therefore make money for their company. None of those things, which should be part of this legislation, are there. Moreover, at this late date, after we've had three years of problems, after the legislation was introduced some months ago, the Ministry of Agriculture, Food and Rural Affairs and the government as a whole cannot come forward with any indication of what the administration budget will be, what the enforcement budget will be or any of the machinery of how this will work.

Finally, despite the fact that the government boasts that this will be modern, state-of-the-art and world-class, that it will provide for the most modern, state-of-the-art, world-class inspection of food, there is not even an utterance, not even a reference to the question of genetically modified food, to the question of genetically engineered food and what the implications might be for the health and the safety of Ontario citizens, not even a requirement that food that has been genetically engineered or genetically manipulated bear a label saying so, no protection for people across this province who might not be interested in consuming genetically modified or genetically engineered food. It's as if this government is completely unaware of concerns which people are raising and which are making their way more and more into the popular press, or, if it is aware of them at all, simply doesn't care. That is astounding.

At the very least, those people who do not want to consume genetically engineered or genetically manipulated food ought to have the right to be made aware when food has been genetically manipulated or genetically engineered so they can not consume it. No one is asking that that food be taken off the market. No one is saying it ought to go through a special set of standards. We are simply saying it really makes sense in this legislation that people who don't want to consume genetically modified or genetically manipulated food should have the right to know, so they don't have to consume it. Again, it's not in this legislation; it's not even referred to.

In the minute I have left, I simply want to say to the public across Ontario that despite the bombast, despite the press releases the government has turned out with this legislation, despite the advertising campaign that I'm sure will accompany this legislation, I urge people to get a copy of this bill—Bill 87, the Food Safety and Quality Act, 2001—and look at it, because you will be embarrassed, when you read the legislation, at how little is in it. And you will be more than embarrassed when you see that a central part of the government strategy is to turn

over to private inspectors the whole issue of guaranteeing the safety and health of the food we eat—the same kind of private inspectors who brought the people of Walkerton tainted water, the same kinds of food inspectors who will frankly put profit ahead of guaranteeing public health and safety.

**The Deputy Speaker:** Questions and comment?

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**Mr Tilson:** I'd like to make a few remarks to the leader of the third party, who spent a lot of his time reading quotes from newspapers. He seemed to have two issues that he spent a great deal of time on.

One was the genetically modified food issue. If he checks the information that's out there, I think he'll see that is a federal issue. The growing of any form of plants, the growing of any type of food is a federal responsibility, and I recommend he speak to our Liberal friends in Ottawa with respect to that issue. A lot of the comments he made may be valid, and we may agree with him, but I think he'll find that those issues are a federal responsibility and outside the jurisdiction of the province of Ontario.

The second issue he spent a lot of time on was with respect to meat inspection. I'd like to remind him that when he was in cabinet, in 1991 the Provincial Auditor criticized inefficient meat inspection delivery. In 1994 the New Democratic government commissioned a company called KPMG to complete a study for the ministry. I'm sure he remembers that. That company recommended that full-time positions be converted into fee-for-service contracts. The purpose of that was to reduce underutilized inspection time. I understand that's completely against the New Democratic philosophy, and that was canned. However, our government changed that, and in 1995 and 1996 we implemented that company's regulations.

I'd like to remind the leader of the third party that we have inspectors on site every day that an abattoir slaughters livestock. There are 130—

**The Deputy Speaker:** Thank you. Questions and comments?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** It was my intention to respond, as is expected in these two minutes, to the comments of the leader of the third party. But I can't help but reflect on the comments that have just been made by the member for Dufferin-Peel-Wellington-Grey, because it seems to me that the kinds of positions he's just taken, going back to a previous government as if to absolve his government of all responsibility for what they've done by going back to what happened in previous days, has become very typical of this government. You'd think they were actually governing in 1991 or 1992, as opposed to being in the year 2001, and particularly, I might add, post-September 11, 2001.

It seems to me that if the member for Dufferin-Peel-Wellington-Grey wants to criticize what was happening in terms of food inspection under a New Democratic Party government, he might want to ask his government

why, if the situation was already so bad, his government's first action in 1995 was to proceed to make huge cuts to the Ministry of Agriculture. I remember campaigning with Mike Harris in 1995, and I very clearly remember him saying, "There will be no cuts to agriculture," just as there were to be no cuts to health care, no cuts to education and no cuts to natural resources. No cuts to agriculture.

So it was passing strange when one of the first actions of the new government was not just their cut to health care and their cut to education but their cut to the Ministry of Agriculture. In fact, I believe the food inspection budget in that year was cut by some 45%. I'm interested in the fact that the government is claiming they still do have inspectors at every point an inspector is needed when the number of inspectors has been cut from, I think, 130 to 80 and there are only five enforcement officers across the entire province. It's really difficult for me to understand why, if the situation was so bad under the New Democratic Party government, it could possibly be improved under a Conservative government that has made such drastic cuts to the ministry's budget and to its ability to carry out effective inspection or enforcement.

**Mr Christopherson:** I'm pleased to rise and respond to comments of our leader. I had planned to comment on the issue of genetically engineered foods, and then the member for Dufferin-Peel-Wellington-Grey gets up and talks about the fact that it has no relevance in this place, that it is purely a federal issue. And yet, first of all, we know the importance of the issue. Just to underscore that, David Suzuki is also on record as saying, "Genetically engineered food involves a revolutionary kind of technology and it is far too early to know whether there are any health hazards from eating it."

**Mr Murdoch:** Who's David Suzuki?

**Mr Christopherson:** One of the backbenchers on the government side says, "Who's David Suzuki?" I suggest that perhaps that's part of our problem here today.

On April 4 this year—

**Mr Murdoch:** Who would want to know him?

**Mr Christopherson:** You know, Bill, I didn't mention your name, so you might just want to leave it there.

On April 4 of this year, the NDP government, the previous government in British Columbia, announced—I say to our current Attorney General, this was the then NDP Attorney General. You probably know him. Attorney General Graeme Bowbrick said, "British Columbians have a right to know what they're eating. That's why we're introducing legislation that will ultimately require all genetically engineered food sold in the province to be labeled." So there is something you can do.

What's interesting is that since that legislation was tabled by the previous NDP government, the now Liberal, which we know covers the whole gamut of all parties on the right in BC, but under the rubric of the Liberal Party, that legislation is now stalled. What is it about the right wing in this country that doesn't want to inform Canadians that at least there is genetically engineered food involved? Why not at least bring that to their attention?



**Mr Galt:** I listened to the leader of the third party, who is also a lawyer, and I was really quite embarrassed on his behalf as I listened to probably the worst speech I've ever heard in this Legislature. He went on about GMOs. I was embarrassed there because it's obvious that it's not a provincial responsibility; it's a federal responsibility. So I was feeling badly for him there.

Then he got on to what even made it worse. He talked about no enforcement and no standards in this legislation. If I were he, the first thing I would do tomorrow morning would be, one, fire my speech writer, and two, fire my researchers, because enforcement comes under section 5, if he wants to go back and talk to his researcher about it. They just might read that piece of legislation so that when they're writing speeches for him in the future, they will know what to put in there.

There are nine sections, leader of the third party, and they are sections 27 through 35, if you want to look it up. That's all about enforcement. Then if you want to check the bill about standards, that comes under subsection 3(11). You may want to check it as well for standards because you were suggesting there were no standards in this legislation.

I was really very concerned about your ongoing fearmongering about food products in this province. We have some of the best food products anywhere in the world, the safest, the best quality possible, and that's what this legislation is all about, to ensure that continues and improves. I heard an awful lot of fearmongering going on. He used quotes like, "Uninspected meat could be in any neighbourhood"—"could be." Anything could be. We could be on Mars. We could be almost anything, but he uses that as a quote in his speech when in fact we do have the best-priced food of any place in the world. Actually, it's under 10%, and you might be interested to know we spend 12% on entertainment.

**The Deputy Speaker:** Response, the leader of the third party.

**Mr Hampton:** First of all, just in response to the member for Northumberland, I gather what the member was objecting to is the fact that I was reading from a number of articles that occurred in the press across Ontario—in North Bay, Kitchener, Hamilton, Toronto, Ottawa—all of them pointing out the recurring problems in the food inspection system over the last three years and all of them pointing out over and over again that the recurring problems in the food inspection system were due to a Conservative government that cut the number of inspectors because it didn't believe that food inspection was important for the health and safety of Ontario residents.

I would also like to reply to the member for Dufferin-Peel-Wellington-Grey, whose hypothesis is this: he says that if during an NDP government that government realized there were some issues that needed to be dealt with in terms of food inspection, then the solution of the Conservative government is to fire them all and that that will somehow improve the quality of food inspection in the province.

Nonsense. Yes, in a world which is growing increasingly complex, in a world where we are seeing biological organisms mutate and biological organisms which we never, ever thought would affect human beings, the whole issue of food safety and food inspection is becoming more complicated. But the solution certainly isn't in the approach the Conservatives took, which was to dramatically chop the budget and lay off the food inspectors. That's what got us into this place.

Finally, I would say the province can require foods to be labeled in terms of genetic engineering.

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**The Deputy Speaker:** Further debate.

**Mr Bart Maves (Niagara Falls):** Just finishing up, carrying on some of the comments made by the leader of the third party, who, as the member for Northumberland said, with performances like that, despite best efforts, may remain the leader of the third party for a long time. He really didn't pay attention, in fairness, to anything the member for Dufferin-Peel-Wellington-Grey had to say. The member for Dufferin-Peel-Wellington-Grey explained and reminded the member, because he was in the government back in 1991 and in fact was a cabinet minister in that government, that indeed the Provincial Auditor had done a value-for-money audit of the food inspection system back in 1991 and said it was a very poor system and needed to be fixed. His very own government contracted with KPMG to do a study to look into this system. That study, commissioned by his government, said the government of the day should contract out that inspection service. Indeed, they didn't move on that. They didn't sit for the last year they were in office so I guess they never really had an opportunity to move on it. We did move on it.

As the member for Dufferin-Peel-Wellington-Grey was about to rightly point out, we have inspectors on site every single day where abattoirs slaughter livestock in the province of Ontario. There are 132 inspectors working across the province inspecting all animals before slaughter and carcasses after slaughter. Now, they're contracted out, so do they appear as eight full-time employees within the ministry for the government? Yes. What doesn't appear are the other 124 inspectors we pay whom we contract out. So as the member for Northumberland said, the leader of the third party is simply fearmongering when he reads from articles which fail to mention that we have a total of 132 inspectors in the province of Ontario today, not the eight the member talks about.

I think it's important, before he tries to undermine the food industry in Ontario for his own political purposes, strange as it may be, as the member for Northumberland tried to point out, that the public needs to be more informed and the member of the third party needs to be more informed about the way the situation really exists today in Ontario.

I want to thank Minister Coburn for introducing this bill. I am here today to rise in support of Bill 87, the proposed Food Safety and Quality Act.

Another thing that was lost by the leader of the third party was that before he came into the Legislature to make his speech, it was clear that members of both opposition parties were supportive of this bill, and that included members from his own party. So for him to come in and speak at length the way he did, opposed to the bill, I think he needs to do some caucusing himself, because members from the opposition benches have voiced their approval of this policy. I share that approval of this bill.

I know that for both Minister Coburn and myself and many other members, improving the health of the population by reducing the incidence of food-borne illness is an important priority.

The food produced in Ontario is safe. We need to ensure that our food safety system continues to be effective and efficient in a changing world.

This legislation, Bill 87, would set a framework for enhanced science-based food inspection and production systems, and Bill 87 clearly complements the Ministry of Health's commitment to ensuring food safety through the Health Protection and Promotion Act.

At the Ministry of Health and Long-Term Care, where I happen to be the parliamentary assistant, we follow through on our commitment by ensuring that food is safely stored, prepared and served to the public. We stop the distribution of contaminated food to the public and we acknowledge restaurants with good food safety histories and trained food handlers through the Eat Smart! program.

To ensure that unsafe restaurant food is not available to the public, we empower local boards of health with a number of effective enforcement methods. These methods include the issuance of summonses, orders to close restaurants and even tickets under the Provincial Offences Act. Boards of health carry out this work in food premises through mandated inspections. The frequency of these inspections is based on a risk assessment. A public health inspector can issue a verbal or written order that takes effect immediately, and actions in the order can include restaurant closure, disposal of contaminated food and mandatory food handler safety training.

An inspector can also issue ticket fines, carrying set fines from \$30 to \$105, for any infraction of the food premises regulations. In fact, the Ministry of Health has proposed increases to these fines, particularly for items related to food safety risk. The next step will be approval from the Chief Justice of Ontario.

In terms of Bill 87, the proposed Food Safety and Quality Act focuses on the production and harvesting of agricultural and aquatic commodities, food processing and wholesale food distribution. Minister Coburn's proposed Food Safety and Quality Act would not supersede the Ministry of Health's authority on public health issues. Public health units would continue to focus on food service and food retail premises. But the new act would require that all serious food safety risks be reported to a medical officer of health, thereby increasing our govern-

ment's ability to monitor food safety. We continue to work closely with OMAFRA to develop a field-to-fork safety system, as well as developing an emergency response strategy for food safety issues.

Bill 87 provides for greater information sharing with other relevant ministries as well, allowing for a quicker, more effective response in the event of a food safety crisis.

I'd like to congratulate my colleague Minister Coburn for introducing Bill 87. The Ministry of Health is fully supportive of the Food Safety and Quality Act, I'm totally in support of it, and I'm happy to see that members from the opposition benches tonight have said they are fully in support of it. As Mr Murdoch pointed out earlier in the evening, an important part of this legislation, and in fact an important part of many pieces of legislation, is the regulations that accompany that. I know the Minister of Agriculture will be particularly interested in getting some input on those regulations from Mr Murdoch and several other of our rural members, many of whom have quite a bit of experience in the agricultural community.

I'm going to end my remarks tonight. I believe we're nearing a consensus, actually, on this bill, with members of the opposition saying they're supporting it. I have one other colleague who wishes to address the bill this evening, so I'm going to attempt to leave some time for her.

**Mrs Munro:** I would like to begin by saying that Ontario's food is safe. Our current food inspection systems have served the province and the interests of people well. However, the system that was originally developed several decades ago has not kept pace with sometimes rapidly changing developments in the area of food safety and quality.

Our consumption habits are changing, our food distribution patterns and trade requirements are changing, and new and more persistent types of food-borne bacteria have been identified. We must continually and proactively improve our food safety systems with regard to safety and quality to address the risks that come with such changes.

The proposed legislation would provide the backbone for a science- and a risk-based food safety system. Ontario's food safety system underwent a full review in 1999. The overall goal of this review was to ensure that Ontario maintained its safe and high-quality food supply now and in the future.

Updating and consolidating the provincial legislative framework is a key component of this initiative. Currently, food inspections are under the jurisdiction of three ministries and seven provincial statutes. This means those food-related statutes are not as effective and efficient as they could be. We need to modernize them to take advantage of current levels of scientific knowledge, national standards and industry initiatives.

Since Bill 87 received first reading in June of this year, the Ministry of Agriculture, Food and Rural Affairs has been travelling the province to share the details of



this proposed legislation. The message from our stakeholders is clear: modern, consolidated food safety legislation would be good news for consumers, good for business and good for Ontario.

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Our province already has an enviable reputation for food safety, with some of the highest standards in the world. But we can do better, and we must, not only to protect the public but to ensure that our agribusiness remains competitive. The agri-food industry is worth an incredible \$28 billion in Ontario. We need to ensure it is well equipped to meet the demands of the future. Bill 87 will help. I know when I think of those food producers in my own riding that contribute to making sure that agriculture and agribusiness is the second most important economic engine in my riding, this kind of surety, this kind of regulation, is very important.

Ontario is leading the way. Bill 87 is enabling legislation that would consolidate the food safety and quality components of six existing food-related acts. Bringing these together would allow for a common, consistent approach to food safety and quality in the province, making our food safety system stronger.

The regulations that would be developed under Bill 87 would put our food safety system on a firm science-based foundation. What this means is that we can take advantage of new science and technology as it becomes available. We can ensure that standards for the quality and safety of food products in Ontario are not arbitrary, but are based on science that has shown what are the higher risks to the safety of our food. Because Bill 87 is enabling legislation, as new science and technologies are developed, we would be able to take advantage of them quickly and easily, ensuring that Ontario remains at the forefront of food safety and quality with modern, effective legislation governing the agri-food industry.

Consumers have a right to know that the food products they purchase are safe, and they want to know that every possible step has been taken along the entire food continuum to ensure this safety. Everyone has a role and a responsibility: the consumer, the retailer, the processor, the producer. Ensuring the safety and the quality of food products is a critical issue for everyone.

Most of all, this government has a leadership role to ensure that all this is in place, and we are taking that role. The agri-food industry in Ontario has been working hard at this for years now, and it is partly thanks to their diligence that we have such an enviable reputation for food safety and quality. Bill 87 would allow all of us to play our roles more effectively. The broad scope of this legislation would increase the confidence in Ontario's food products, not only for provincial consumers but for national and international customers as well, for existing markets and perhaps new ones. They all expect and deserve nothing less than the highest quality of safety and quality. Bill 87 would help ensure that Ontario's agri-food industry delivers that.

The week before last, I had the pleasure of attending the government of Ontario pavilion at the International

Plowing Match and Rural Expo 2001, which was held in eastern Ontario. Many of my caucus colleagues, including the honourable Premier, joined us there. I know they will agree that the province put on a wonderful show for the visitors. The Ontario pavilion included displays from the Ministries of Municipal Affairs and Housing; Energy, Science and Technology; Consumer and Commercial Relations; and Agriculture, Food and Rural Affairs. One of the most popular displays dealt with the Ontario food safety system, of which Bill 87 is an integral part. There was a great deal of interest in this display. Food safety is obviously a very important issue to a great many people. In talking to the visitors at the food safety display, it became quite clear to me that it is an issue that has touched us all.

Anecdotal evidence suggests that almost everyone has had or knows someone who has had a food-borne illness. Fortunately, most of the time the illness is only a short-term inconvenience. Food-borne illnesses, though, can be serious, and if we can help make sure Ontario's food is even safer, we must do so. Proactive action is needed.

Many competing jurisdictions, including the United Kingdom, Belgium, Australia and the United States, have already adopted science-based approaches to food safety that are founded on risk analysis. Within Canada, Quebec has adopted the Food Products Act, and several other provinces are also updating their legislation and consulting with stakeholders on food safety initiatives.

Canada and its major trading partners are using international standards to guide them in the development of modern food safety standards. The internationally supported Codex Alimentarius Commission has developed these standards in a consensus-building process. Canada is one of the 165 member countries contributing to these standards. The Codex approach to food safety includes the ongoing use of science in the regular assessment of risks. Codex principles support the shift in food safety responsibility from the traditional government inspection to the producer and processor of the food, with government overseeing food safety process control systems.

Here in Canada, federal, provincial and territorial governments have finalized a common legislative base to guide us in the establishment of modern food legislation. The common legislation base is founded on the Codex principles. Its scope is from field to fork, and it provides for the use and the regulation of modern process control systems and on-farm food safety programs. Bill 87 is consistent with these principles.

In summing up, I think it is extremely important to understand three elements in this legislation. The first is the need to update legislation by eliminating the cross-jurisdiction of the existing pieces of legislation. The second is the need to have framework legislation that allows for new technologies and food science to raise the bar on food safety. Finally, this piece of legislation is designed to give Ontarians confidence. It gives confidence to the producers, the farmers, knowing that their product is going to be acceptable, not only to the consumer in Ontario but internationally. It gives confid-

ence to the processors, again, because they know that those legislative frameworks and regulations ensure their product.

Finally, it gives confidence to us as the consumers in this province and it provides us with an opportunity to make sure that Ontario's agribusiness can compete effectively internationally. That is the goal of this legislation.

**The Deputy Speaker:** Questions and comments?  
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**M. Lalonde :** J'ai feuilleté d'un bout à l'autre ce projet de loi. Il y a quelque chose qui m'inquiète de plus en plus.

Quelles sont les qualifications requises pour devenir inspecteur, qui est mentionné dans ce projet de loi? Lorsque nous parlons d'inspecteurs de bâtiments, cela pourrait être quelqu'un qui connaît la construction, mais inspecteur d'endroits où on doit consommer ou d'abattoirs ou inspecteur de carcasses d'animaux morts, ça demande des qualifications différentes.

Lorsque je regarde le projet de loi, partie IV, section 13, « Un directeur ou la personne qu'il autorise par écrit peut nommer toute personne ou catégorie de personnes comme inspecteurs et restreindre leurs pouvoirs dans l'acte de nomination. »

Je vois un peu plus loin la section 13(3) : « Chaque inspecteur qui exerce les pouvoirs que lui confère la présente loi produit sur demande son attestation de nomination en tant qu'inspecteur. »

À aucun endroit on ne réfère à la formation que la personne doit recevoir avant de devenir inspecteur. Je crois que—si je fais l'erreur, je voudrais bien qu'on me le mentionne, puisque à aucun endroit, encore une fois, puis-je voir quelles sont les qualifications requises pour devenir inspecteur et aussi de mettre en force cette loi, le projet de loi 87.

C'est inquiétant lorsque nous apercevons ça. Je sais que ça coûte absolument rien au gouvernement. C'est pour ça qu'on essaie d'inclure dans ce projet de loi une quantité d'inspections, mais encore, c'est beaucoup inquiétant lorsqu'on s'aperçoit que toute personne pourrait être appointée ; on peut dire qu'une personne à la retraite, comme un officier dans la Sûreté provinciale, pourrait devenir inspecteur. Aucune qualification n'est requise.

**Mr Christopherson:** I'm pleased to respond to the comments that were made. I want to focus a bit on the issue of the privatization of some of the inspection. I know this government is big on privatization, and from time to time there are arguments that one can make that certain services ought to be.

The concern that we have and I have in particular with the notion of the food inspection, though, is very similar to the issue that has now captured everyone's attention with regard to airport security. Anything prior to September 11 and the argument was, "There's no need for the government to be involved. If this is an issue, we can do a division of labour, we can break this down into its responsibilities. The government, through legislation, can set out standards, and we'll let the airline provide it."

The problem is that of course the airline sees this as a non-revenue-producing aspect of what they have to do and therefore the bottom line becomes greater than the service. I'm not suggesting for a second that they weren't doing what they were lawfully required to do, but that's very different from saying, "The security, as the service we're providing, is the top priority, and if it proved to be an increasing drag on the profit line, so be it."

What's happening now in the United States and hopefully here in Canada, and I think our Prime Minister has made some reference to this recently, is that they're looking at stepping in and saying, "We will provide the security service," and that makes sense. Why? Because all of us want security to be done as a priority, no matter what it costs, because of what's at risk.

Food inspection is much the same. The risk is too high. It ought not be privatized.

**Mr Galt:** I was absolutely enthralled with the presentation made by the member for Niagara Falls and the member for York North, probably two of the best speeches I've heard in this House. "Stunning" would describe it. If I were them, I'd give a promotion to their speech writers, because they just put together such excellent material. They were right on the bill, talking about it all the way through.

The member for Niagara Falls talked about safety and efficiency, which is what this bill is about. He has also recognized, and I have to compliment him, how it dovetails in with the Ministry of Health and the protection of health for the people of Ontario. That's very different from what we're hearing in the opposition. When they were talking about health, they kept talking about downloading all the time.

The member for York North was talking a lot about improving the confidence, and certainly there's a tremendous amount of confidence in the province of Ontario for the quality and the safety of our food. She was indicating how it would improve with this bill, not only for the producers but for the processors and the consumers.

She talked also about the fact that this bill was being highlighted, along with information about it, at the International Plowing Match. What a successful plowing match that was down close to the Minister of Agriculture's riding. He was an excellent host for that.

She also talked about food-borne illnesses. Probably everybody in this House at some time or another has had one, but the source tends to originate from the home and not from the processed foods. I think it was interesting that she pointed that out. She also pointed out the need to be able to follow this and trace back all the way from the field to the fork. That's become a neat slogan, Mr Speaker, and I see you smiling. I know you appreciate how it gets from the field to the fork to your mouth.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'm very happy to offer some comment this evening on the debate on Bill 87 that relates to food safety. As a representative of a rural riding, I know how important it is and the impact this kind of legislation will have for people I represent as well.



What I hear very regularly in my riding from people within the farming community is their concern about the lack of commitment of this government to the agriculture industry. That lack of commitment is demonstrated in their lack of directing of resources to agriculture in the province.

You can bring in all kinds of very noble legislation that, if you had the tools to actually carry out the legislation, would probably be good. What people in Ontario realize, what they understand, what the people in the industry know and the issue that you cannot fool people about, is that you have actually pulled away resources from those very functions that would be required in order to make this legislation effective within the community.

We know that money for food inspection and food safety has declined by 45% under this government. We know that OMAFRA inspectors have declined from 130 inspectors in the province to 80. So, here we are, bringing forward legislation that will really enhance the roles of people who would be in inspector roles, and yet this government has very actively and aggressively looked to reduce them in our communities. It really is a very hollow piece of legislation, because there's nothing that goes along with it to guarantee to the people of Ontario that they will in fact be able to ensure it's carried out.

**The Deputy Speaker:** Response, the member for York North.

**Mrs Munro:** Thank you to the members for Glengarry-Prescott-Russell, Hamilton West, Northumberland, Hastings-Frontenac-Lennox and Addington for their comments.

In listening to these comments, I think perhaps one of the concerns that was expressed is the issue of the privatization, the issue of inspection. I think it's important to keep in mind the fact that with all of these initiatives that government has undertaken, there is always the recognition that government is responsible for setting the policy for setting the regulatory framework around which people are to operate. Obviously, the question we're talking about here is maintaining a level of safety but, most importantly, it is moving that issue of safety from one which we have recognized in this province as certainly something that has done us well in the last decades to one which needs to be revised.

2120

My comments, then, about making sure that it's consistent with international standards, that it's consistent with the latest research and that it's science-based, those are the issues that are driving this initiative. I think it's important for us to recognize, as many of those in the agricultural community recognize, that in order for them to be competitive, they have to be able to demonstrate that their product has undergone the same rigorous, if not better, standards that are accepted around the world. It is that opportunity we want to provide for our agribusiness in this province.

**The Deputy Speaker:** Further debate?

**Mrs McLeod:** I regret the fact that there is only 10 minutes left in the evening sitting, because there is so

much I would like to comment on, what is in or is not in fact in this bill.

I want to begin my comments, however, with a particular concern I have, and it has become somewhat typical of my concerns with legislation this government brings forward because it seems as though every bill is like a mini-omnibus bill, and there is always something slipped in which the government appears to be hoping that nobody will notice.

In the case of Bill 87, the bombshell that's slipped in is on the very last page, page 38, the repeal of the Edible Oil Products Act. That's not something I would have paid a lot of attention to, not being a specialist in agriculture—I freely admit that—except that it's been drawn to my attention that this is a fairly significant bill to repeal because it's a significant reversal of a long-held position by the province of Ontario. The Edible Oils Act, as I understand it, is the act that ensures there is no mixing, no blending, of oil products with dairy products. What that basically means to the consumer is, when you go to the store and you buy a pound of butter or cheese, you know that it is in fact a pure dairy product, that it hasn't been mixed with an oil-based product.

This issue has been of such sufficient concern to governments of the past that the Ontario government has actually been in court vigorously defending their right to keep this prohibition against the blending of oil-based and dairy-based products. Suddenly, slipped into page 38 of this bill, we have the repeal of the Edible Oils Act. Not only is this a significant reversal of government position, but it was done without any consultation of any kind with the dairy farmers, who are particularly affected by this particular repeal provision.

The dairy farmers have raised some very serious concerns. They've raised concerns about the health impact of allowing this kind of blending. I'm not an expert on the issues of trans fatty acids and whether or not they constitute a health risk or are, in fact, beneficial to health; I don't pretend to be an expert on that. But I think the concerns the dairy farmers of this province are raising at least deserved to have been heard, that they should have been consulted. What I am absolutely certain of is that if the goal of this bill is supposedly to increase consumer confidence in food safety, the starting point for that has to be an ability of the consumers to know what it is they are purchasing. When you start having this kind of blending, it becomes very difficult for the consumer to make judgments about the health impact, for example, of trans fatty acids, and whether that's the product they want to purchase or not.

That's one of my concerns, and I hope the government will at least step back enough from this to consult with dairy farmers. Because the dairy farmers' milk product is regulated under the Milk Act, the government may have thought they didn't need to consult with dairy farmers. That's why dairy farmers were so shocked to find out that this major reversal of government policy was slipped in at the back of this bill. It does give me some pause to wonder what else is slipped in under the cover of what might be seen to be a good-intent kind of bill.

I guess my concerns are that the bill really is, as my colleagues have said in earlier debates on this subject, an empty shell bill. It really doesn't tell us what the government's going to do. It gives broad regulatory powers once again to a minister of the government. It makes no funding commitments as to the provisions of the bill, the supposed higher quality standards in inspection, monitoring and enforcement. What financial commitments are going to be made to ensure they can be carried out?

In the absence of any real meaning, we have no increased assurance in the public mind of greater food safety and we have only the government's record. I come from a medium-sized community. I have a relatively small farming community as part of my riding. I know that the food produced in my riding is safe. I know the people who produce it and I know what their standards are. I know they have a commitment to me, as a member of that community, to provide safe food. But when I look at the provincial situation, all I have to go on is the record of the government, and it's been said frequently this evening already that this government's record when it comes to agriculture, and particularly to the inspection of food, is dismal. We can exchange numbers if the government members choose to. But the bottom line is, from a government and Premier who said there were going to be no cuts to agriculture, a massive cut to the agriculture budget was one of the first actions of the government. We know that one of those cuts significantly affected the ability of the Ministry of Agriculture to provide adequate food inspection. We know there are fewer food inspectors.

So when the Minister of Agriculture introduces this bill by saying, "Indeed, Ontario's food is safe," I believe that about food that's produced in my own community, but I have absolutely no assurance that it would be true across the province, based on this government's lack of commitment in the past. I see no evidence that the government has a real commitment to changing it, other than bringing in this broadly based new regulatory power for the minister.

The minister also said that what they wanted was a science-based foundation to ensure food safety. As my colleague from Elgin-Middlesex-London spoke to earlier in this House, this government that talks about science-based research is the exact same government that has cut the budget of the animal lab at the University of Guelph. Where do those things match up? All this talk about a science-based foundation for food safety from a government that squeezes out the very body which is providing the research that would ensure we do have food safety.

The government has said it's enabling legislation, and indeed it is enabling legislation. I do wish I had more time this evening, but let me just give you an idea of the breadth of the regulations: "The bill allows the Lieutenant Governor in Council to make regulations designating, as a licensed activity, any one of a wide range of

activities that affect or could affect the quality or safety of food, agricultural or aquatic commodities or agricultural inputs ..." and on and on. It's just breathtaking in the scope of the regulatory power that's given. In the face of that, the farmers of this province are saying, "Where are we going to be left?"

One of the other things this bill does is give the Minister of Agriculture incredible power to set fees. So let's put it together: a government that says it wants to improve food safety by having more inspections. The Minister says there's going to be clout to this, there's going to be enforcement. There certainly hasn't been in the past—18 charges on food safety violations since this government came into power. He says there's going to be new clout. That means there's going to be new costs. The government has made no financial commitment to it—they've only cut in the past—so where is the money going to come from for these as yet unspecified regulatory changes? The farmers of this province are very much concerned it's going to come from fees because this bill lets the minister set fees for virtually everything.

My colleagues have raised the concern that farmers in this province already have about the viability of the agriculture industry in this province. I don't believe the farmers are making enough margin of profit on their farming operations to be able to sustain the cost of this government wanting to make a public statement about food safety while they download the costs of maintaining that food safety on to the farmers of this province.

As we spend a week when we're talking a lot about security, I think we should start to expand our notion of security to recognize that one of the most important aspects of domestic security is the independence of our food supply. If you think that's a big stretch, in the last minute that we have for this debate this evening I ask you to think about it. If this bill opens up the ability of the minister to set huge new fees on farmers in order to do what this government has refused to do with a financial commitment on its own part in the past, if those fees become prohibitive for the small farmers of this province to keep farming, if the result of that is that we get big, foreign multinationals coming in and taking over our farming operations, what does that do, first of all, to food safety and, secondly, to our economic independence when it comes to food sufficiency?

I submit to you that that is fundamentally important, not only to the economy of this province and to the \$28-billion agriculture industry, but it is also fundamentally important to the security of this province.

I recognize that it's now 9:30 and I will yield the floor to the adjournment of the House.

**The Deputy Speaker:** Thank you. Your remarks can be picked up at the next opportunity. It is 9:30 of the clock. This House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2130.*



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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 3 October 2001

Mercredi 3 octobre 2001

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 3 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 3 octobre 2001

*The House met at 1330.  
Prayers.*

### WEARING OF PURPLE RIBBONS

**Mr Dave Levac (Brant):** On a point of order, Mr Speaker: October is Child Abuse and Neglect Prevention Month. During the month of October, the children's aid societies in Ontario will be distributing purple ribbons and lapel pins in an effort to raise awareness of child abuse and neglect and to encourage people to become involved in efforts to prevent child abuse and neglect. Therefore, I seek unanimous consent of this House to wear the lapel pins and/or the purple ribbons for the month of October.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed? Agreed.

### WEARING OF BUTTONS

**Mr Steve Peters (Elgin-Middlesex-London):** On a point of order, Mr Speaker: I seek unanimous consent to wear this button in recognition of the efforts of a young lady by the name of Dani Harder, who is in a wheelchair but is running in the Toronto marathon to raise awareness about her struggle to live independently in her own apartment.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed? Agreed.

### MEMBERS' STATEMENTS

#### SUDBURY ECONOMY

**Mr Rick Bartolucci (Sudbury):** Analysts' warnings that Ontario will have the slowest economic growth in Canada will have a profound effect on my resource-based community of Sudbury. Today I offer some real solutions that will go a long way to alleviate what experts are predicting to be a flat economy in Sudbury. I can't help but worry about the impact this slumping economy will have on the fate of our northern medical school.

Almost six months ago, the government and its cronies popped the champagne cork in Sudbury to celebrate the first of many reannouncements about the establishment of a medical school in the north. In May came another reannouncement of nothing more than the unveiling of a target date of 2004. Well, it's almost 2002,

and we've seen or heard nothing about a funding commitment.

So today I ask the government to show us the money. Show us your fiscal plan for this project, along with a firm commitment of capital and operating dollars. This would go a long way in accelerating the construction schedule of this project. All the government's announcements in the world won't put one construction crew on the site; only a funding commitment will do that.

My concern over funding for projects also extends to Sudbury Regional Hospital. I urge the Minister of Health to immediately call for the operational review of our Sudbury hospital so that he can see first-hand just how bad a mess he's given to our community.

#### JAMES BURGESS METAL TRADES TRAINING CENTRE

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** I rise today and invite the assembly to join me in extending congratulations to the James Burgess Metal Trades Training Centre in the community of Wallaceburg.

Recently it was my pleasure to join with my colleague the Honourable Bob Runicman, Minister of Economic Development and Trade, as he presented a cheque to the Burgess training centre in the amount of \$1.5 million under our government's strategic skills investment program.

This cutting-edge training centre was established in 1974 and has been at the forefront of training skilled trades for more than 58 tool and die shops in Wallaceburg and southwestern Ontario. These funds, in combination with contributions from private sector partners, will result in the construction of a \$4.1-million, 11,000-square-foot addition to the present facility. When the project is completed, the Burgess training centre will increase the number of tool and die machinists and mould makers they train each year from 200 to 240.

In addition, the minister also arranged for community leaders to meet with the consul and trade commissioner at the Canadian Consulate General's office in the United States this past summer. As a result of that meeting, Wallaceburg has set its sights on becoming the leading trainer of skilled tradespeople for southwestern Ontario and the Midwest United States. The reason is obvious. Government analysts say that over the next five years an additional 35,000 workers will be needed in the metal-cutting trades industry, while presently we only have the ability to train about 20,000 workers.



The James Burgess Metal Trades Training Centre will continue turning out the best-trained, hardest working and most dedicated tool and die mould makers and machinists anywhere in the world.

### ARMENIAN CELEBRATIONS

**Mr David Caplan (Don Valley East):** I rise today to express my sincere congratulations to the Official Youth Committee of Toronto, the Armenian Evangelical Church of Toronto, the Armenian Catholic Church of Toronto and the Armenian Apostolic Church of Toronto in their joint celebration of the 1,700th anniversary of the establishment of Armenian Christianity and a communal reflection on the work of their patron saint, St Gregory the Illuminator.

King Trdat proclaimed Christianity as Armenia's state religion in 301 AD. To honour this commemoration, Armenians worldwide have been participating in celebrations since the beginning of the year. The Armenian church is among the world's most ancient continuously operating institutions, dating back to the apostolic missions of Saint Thaddeus and Saint Bartholomew in the middle of the first century. It has seen many centennial celebrations. However, this celebration is particularly significant. It coincides with the second millennium of Christianity. It also coincides with the emergence of a renewed Armenian church and, after 600 years of statelessness, a renewed Armenian state.

Occasions such as this give the public many new opportunities for learning. I would encourage all Ontarians to visit exhibitions, participate in conferences and read the materials that have emerged for this once-in-a-lifetime commemoration.

Once again, please let me offer my best wishes for the celebrations. The Armenian community in Don Valley East and throughout Ontario has made significant contributions to our communities, and celebrating its very core beliefs and foundations is certainly an honour for me.

### COMMUNITY CARE ACCESS CENTRES

**Mr Doug Galt (Northumberland):** I'd like to inform members about a resolution I tabled in the House today. Here are some facts about community care access centres that the resolution addresses.

Home care funding has increased from \$681 million in 1994-95 to approximately \$1.17 billion, more than a 70% increase. This government views home care as a critical component in seamless health care delivery. Most CCACs are balancing demand for services within their funding allocation, but some are not. The federal government does not provide any funding for home care despite pleas from Ontarians for more financial assistance with our health care needs.

This government has reaffirmed its commitment to home care by appointing the associate Minister of Health to review those elements that have led some community

care access centres into fiscal and management difficulties.

This government will continue to work collaboratively with stakeholders in the health sector (1) to implement necessary cost containment measures to manage within their budgets; (2) to ensure they will meet the service needs of the clients; (3) to employ good case management practices; and (4) to ensure funding is allocated to client care services, as opposed to administration.

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### POST-SECONDARY EDUCATION

**Mrs Marie Bountrogianni (Hamilton Mountain):** Today I rise in the House to address the neglect of post-secondary education by this government. I'm speaking on behalf of the students who have been directly impacted by the Harris government's disinterest in education.

We have a space crunch in Ontario universities. Recently 28 first-year students at the University of Western Ontario were sleeping in TV lounges and study rooms. This problem is not unique to Western university. This is happening at the University of Toronto and at the University of Guelph. We've been warning this government that a change in student demographics was imminent and that our post-secondary institutions do not have the necessary resources to address this change.

Even students who attend private vocational schools are not protected from this government's neglect. ITI Education, a corporation specializing in e-business education, last month went into receivership and was forced to close two of its three Ontario campuses. Caught between bankruptcy law and the Private Vocational Schools Act, Harold Fisher and 310 of his classmates were thrown into chaos as they frantically tried to make alternative arrangements to attend the one remaining school in Ontario.

Only weeks earlier this same training school had closed campuses in the United States, clearly an indication of financial difficulties, yet this government did nothing to protect the interests of these students. Furthermore, and I find this despicable, they did nothing to warn the new students who just registered in August. What did this government do? It introduced private university corporations so that all Ontario students can be guaranteed the same lack of security as students who attend private vocational schools.

### IMMIGRATION AND REFUGEE POLICY

**Mr Peter Kormos (Niagara Centre):** Premier, some time ago you're quoted as having said that we're getting too many from other countries who are coming here for a free ride. Please let me introduce you to Zoltan and Gabriella Marton and their one-year-old son, Zoltan Jr. They fled Transylvania as Hungarian Romanians oppressed in that region of Romania, an oppression that is well known to every member of the fair-minded

community internationally. They came to Canada, sought refugee status and, yes, were denied that refugee status.

But it was only today, when they were able to attend here, that anybody told them about the other opportunities available to them to appeal deportation and forestall the deportation notice that's been served on them for October 10. They are not freeloaders. They have worked hard at hard jobs from the very day they arrived in this country. They're respected members of their community in Niagara, active in their Hungarian Presbyterian church.

Premier, we indicated last week on Monday that we would join you in any legitimate attack on terrorists. Will you please join us in a fight to keep hardworking, decent, good immigrants, yes, and refugees, here in this country? I tell you, Zoltan faces certain jail if he's returned to Romania. Ontarians should not let that happen.

#### ONTARIO PREMIER'S LEADERSHIP

**Mrs Tina R. Molinari (Thornhill):** Many families in my riding of Thornhill, and I know across the province of Ontario, have expressed concerns since the tragic events of September 11. One of my constituents wrote to me expressing that she had not slept since September 11 "not only due to the disaster, but from the lack of leadership from Ottawa." She further stated, "I know Mike Harris will pull through. He's a man who takes charge and does what he says he will," a promise that has been lost on the other side of this chamber and unfortunately on Parliament Hill in Ottawa as well.

On Monday of this past week, our Premier, Mike Harris, chose a most appropriate method to speak directly to all the people of Ontario, not only a select few, as he announced vital steps our government has taken to heighten the security of the province of Ontario. By appointing two distinguished security advisors for Ontario, our government has taken a vital leadership role to protect our province and secure the freedom in our lives that we've come to enjoy. Moreover, he accelerated the tax cuts planned for January to help working families in Ontario.

I think one of the headlines in the Toronto Sun today says it best, "Leadership Vacuum: Chrétien is Missing in Action; Harris Fills the Void."

The people of Ontario are pleased with the strong leadership of our Premier.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. I apologize to the member. I was going to try to settle them down to finish, but I see you did. I apologize. I shouldn't have stood up. Did you finish on time? You did get it out.

#### BORDER SECURITY

**Mr Dwight Duncan (Windsor-St Clair):** I wanted to first of all acknowledge to the Minister of Health and to the Premier the gratitude of my community for approving the new medical school on Monday in our community.

It's been well received and the government responded to the request of our community.

Premier, there's another issue in our community that's extremely important, and I know you're aware of it, and that is the border-crossing issue. Yesterday in your statement you spoke about the importance of our borders being free for commerce to happen.

As you know, your government downloaded the Huron Church Road corridor to the city of Windsor some four and a half years ago. It is the only part of a major highway anywhere between Mexico and Montreal where the local authority has to maintain the highway.

The Premier is aware that there are 12 traffic lights which slow vehicular traffic down on our side and that it's extremely important in terms of ensuring the ongoing flow particularly of automotive and other trade traffic that the province first of all upload that particular stretch of road, reassume what ought to be a king's highway, and number two, commit, in co-operation with the federal and municipal authorities, to the approximately three quarters of a billion dollars that will be needed to ensure that that roadway can accommodate not only current traffic volumes but anticipated growth in traffic volumes. Those areas are entirely within provincial jurisdiction.

The final advantage to this type of project now, sir, is that it would involve job creation at a time when there's considerable anxiety. We look forward to the government showing some leadership in this issue.

#### NUTRIENT MANAGEMENT LEGISLATION

**Mr Bert Johnson (Perth-Middlesex):** I rise today to tell my fellow members about my experience of sitting on the justice and social policy committee hearings into the proposed Nutrient Management Act, 2001.

When this bill was introduced, the main concern my constituents expressed was whether they would be consulted. They wanted hearings held in their community so they could take part without taking too much time away from their farms and businesses.

And that is just what this government did. The justice and social policy committee traveled across the province in September and heard from more than 150 individuals, groups and municipalities. I want to thank everyone who presented to the committee on this important legislation.

I particularly want to thank those presenters from my riding of Perth-Middlesex. I sat on the committee for four days of hearings in southwestern Ontario. During those four days, both the counties of Perth and Middlesex, both counties' Federations of Agriculture and the municipalities of North Middlesex, West Perth and North Perth made presentations.

I share this to remind my fellow members how willing the farming community is to help us develop sound policies and legislation. Ontario's farmers support this initiative and want to help create the best possible legislation to protect public safety and the viability of Ontario farms.



Ontario Agriculture Week is a great opportunity to thank farmers for their involvement in this process as well as for the work they do every day to bring the best products to our tables.

#### VISITORS

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Speaker: I wish to acknowledge in the government members' gallery the presence of the president of the Ontario Association of Chiefs of Police and also the chief of police of the city of Windsor. He and his department have done an outstanding job under very difficult circumstances in our community. I know all members thank him for that and for his efforts on behalf of policing and all of us throughout Ontario.

**The Speaker (Hon Gary Carr):** We welcome our honoured guests.

1350

#### ORAL QUESTIONS

##### WALKERTON TRAGEDY

**Mr Dalton McGuinty (Leader of the Opposition):** My questions today are for the Premier. During your appearance before the Walkerton inquiry, and while under oath, you admitted that there was a confidential presentation prepared for the caucus about the impact of your cuts to the Ministry of the Environment. I now have a copy of that confidential presentation, and some of the information provided to your caucus in this document is nothing short of frightening.

The caucus was informed that as a result of the Ministry of the Environment budget being cut by 48%, there would be, under the section "key impacts"—these are some of the impacts that were brought to the attention of caucus. It says reduced ministry capability to monitor, give early warning, ensure compliance; "increased risk" to human health and the environment as a result of decreased compliance and "enforcement activities."

You admitted under oath that this presentation to caucus was so confidential that you insisted each and every one of your caucus members sign an oath of secrecy. Can you tell us, Premier, why did you force your entire caucus to swear an oath of secrecy and never to disclose the fact that they'd received information from the Ministry of the Environment that these cuts would constitute a risk to human health?

**Hon Michael D. Harris (Premier):** I think there is the matter that I did travel to Walkerton to the inquiry that, as you know, we called to deal with that and I did deal with that issue there.

We did take, and have taken, a number of unprecedented steps as a government, as you know. One was to include confidential cabinet information for caucus, and whenever we did that we asked caucus to abide by the

same confidentiality rules as senior civil servants or cabinet ministers would. I think you would expect us to do so, and I think reasonable people would understand that.

I think, by the same token, those responsible for the inquiry will come to the same conclusion, that it is the responsible thing to look at all potential impacts. Once those have been answered and addressed, then you move forward.

**Mr McGuinty:** Premier, you're missing the point. You and the entire caucus, or at least those who were present during this presentation, were put on notice very directly that there was going to be an increased risk to human health as a result of decreased compliance and enforcement activities.

I suggest to you that surely the fundamental responsibility of you and your caucus in government is to protect human health. I just think that's the starter, Premier, that you should be accepting and championing.

Now, we tried to obtain copies of these oaths under the Freedom of Information and Protection of Privacy Act, and we were told that they do not exist. This is very important, because it implicates each and every one of those members who signed that oath, received this information, were put on notice, received the warning and failed to notify their constituents of a risk to human health as a result of cuts to the ministry. It's very important that we have those oaths so that we know who got the information and who failed to live up to the responsibility. Premier, what happened to those oaths?

**Hon Mr Harris:** I think there were a couple of occasions where we asked members. I can't speak to the actual swearing in or how it took place. I'd be glad to look into that for you. But I can tell you this, that as has been confirmed by the two ministers of the environment and as I have confirmed, we do not believe, nor does our cabinet nor does our caucus nor does our government nor does the Ministry of the Environment, that any of the actions that we took had contributed to any increased health risk to Ontarians.

**Mr McGuinty:** Sadly, we've seen this movie too many times now. We recently learned of the difficulties the RCMP had in trying to get Walkerton documents out of the Premier's office. We learned about the key passages that tie the Premier to discussions in the Ipperwash affair that were missing from court evidence. And now we learn that important evidence that proves exactly which Tory MPPs were told of warnings and agreed to keep it a secret is missing. Premier, I suggest that you have a growing credibility gap when it comes to these kinds of issues.

This is what I ask you to do today: will you direct the secretary of cabinet to investigate the disappearance of these oaths, and pending that investigation, will you provide me and Justice O'Connor with the names of the Tory MPPs who received these specific and explicit warnings and swore an oath not to tell anybody about the dangers?

**Hon Mr Harris:** I'd be happy to check into that for you. But let me make it very clear that at no time was any member of our caucus informed that there would be any risk to the health of any Ontarian as a result of any of the actions we took at that meeting. That was confirmed by the Minister of the Environment. That was confirmed by the two former ministers of the environment. It was confirmed by me.

Let's be upfront here. We are the ones who called the Walkerton inquiry. I had two ministers who attended to the Walkerton inquiry. I, myself, attended to the Walkerton inquiry. I realize, with all the screaming and yelling and the rudeness, you don't want to hear the answer, but perhaps the people at home would like to hear the answer. We called the inquiry. We put Justice O'Connor in charge of it. I travelled and spent six hours testifying to these very matters, and we all look forward to the results of Justice O'Connor's findings.

### TAXATION

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Premier. We believe in a balanced approach to the economy and in achieving competitiveness. We understand it takes more than competitive taxes; it also takes continuing investments in and support for health care, education, infrastructure and protection of the environment.

Two days ago, Premier, you made the mistake of speeding up your \$2.2-billion corporate tax cut. Your promise to pay corporate taxes 25% lower than our competitors' is unbalanced. It will not succeed in achieving your desired outcome. What's worse, it is eating away at the money we are going to need to invest in those new security measures, it's eating away at the money we need to maintain investments in health care and education, and it's eating away at the money we could have used for infrastructure projects that would have had a real immediate and positive impact on the economy and on jobs.

Do you still believe it is the right thing to do now, at this moment, to cut corporate taxes 25%?

**Hon Michael D. Harris (Premier):** This is from a member who opposed every corporate, small business and personal income tax cut we have brought in to the province of Ontario, tax cuts that now have been supported by every other government across Canada—NDP, Liberal and Conservative—tax cuts that have now been supported by the federal government in Ottawa, who now say that the best way to fight the slowdown is with the tax cuts they propose to bring in over the next number of years.

I don't know how you can stand in your place, while we bring forward tax cuts to create more jobs, to create more job security, to allow people to have the dignity of a job here in the province of Ontario, supported by every manufacturers' association, every employer, and somehow or other say your policy of higher taxes is better for the economy. You are a two-person show. You and the

leader of the New Democratic Party are the only two in Canada who believe that.

**Mr McGuinty:** Premier, it's a fairly simple question. Why do you believe that reducing our corporate taxes to the extent that they are 25% lower than our American counterparts' is good for our economy? I think Ontarians are entitled to an answer on that score.

I think the sad truth is that you are stuck like a broken record on an old song. We have a new and unprecedented challenge before us, and it calls for creative, innovative thinking, but above all it has to be balanced. Rushing your corporate tax cut is not going to save jobs.

Yesterday, Boeing announced layoffs here in Ontario. Nortel, which used to be one of our largest employers, announced that 20,000 people are going to lose their jobs. It is a sad and stark reality that thousands of people in our province are now becoming unemployed and our families fear that someone is going to lose their job.

How can you still defend your across-the-board corporate tax cut?

**Hon Mr Harris:** I think every business, every economist, is saying, "How can you afford not to give our companies, to give our businesses, more opportunities to hire more people, to stay in business—

*Interjections.*

**The Speaker (Hon Gary Carr):** The member for Hamilton East, come to order, please. The member for Kingston and the Islands, come to order, please. Sorry, Premier, for the interruption.

**Hon Mr Harris:** You may be able to find some left-wing, NDP, union-sponsored economist somewhere, but no mainstream economist agrees with your position. They didn't agree with your position six years ago, five years ago, four years ago, three years ago, two years ago, last year, and they do not agree now. More than ever, our companies need our help so we can keep people employed in this province, so we can hang on to the jobs we have and so we can attract new jobs. You do not do that with higher taxes, and I'm shocked that you don't know that.

1400

**Mr McGuinty:** Premier, you are completely wrong on this issue. This is what one of the key economic advisers helping craft US President George Bush's stimulus package just wrote, from this Sunday's New York Times. He said, "... a permanent corporate income tax rate cut would have exceedingly little short-term stimulus benefit relative to the cost." That's the advice that the American president is getting, Premier.

Let me tell you what else our economists are saying. They're telling us that when it comes to across-the-board corporate tax cuts, they help the companies which are not in trouble, the ones that aren't in danger of laying off their workers. These kinds of cuts reward profits from investments made in prior years, not investments made today, which are the kinds of investments that we need now. Thirdly, Premier, and even worse, corporate tax cuts rob us of our ability to make the key investments we need to be able to make now to save jobs.



So the question I have for you, Premier, is, how can you still defend what is patently a mistake?

**Hon Mr Harris:** As you know, we came forward with a very balanced plan. We did announce major new capital for infrastructure; we are maintaining record investments into education and into health care; and, yes, we're trying to be tax-competitive.

Let me tell you about New York's tax competitiveness. If you look at the record of George Pataki, he has consistently cut corporate tax in his state, so that now the corporate tax rate in New York is 7.5%. The reduction we announced takes our corporate tax rate to 12.5%; by 2005 to 8%, still higher than New York state.

I want to tell you this: you said here yesterday that Americans and New Yorkers were on their knees. What a shameful, disgraceful statement to make. I want to tell you, I have never seen Americans stand taller, stand prouder, stand stronger, and particularly—

*Interjections.*

**The Speaker:** Order. Stop the clock.

OK, back to question period. The leader of the third party.

**Mr Howard Hampton (Kenora-Rainy River):** Premier, Nortel was so impressed by your accelerated corporate tax cuts on Monday that they laid off 20,000 workers on Tuesday. They're trying to send you a message: more tax reductions for well-off banks and corporations is not going to sustain jobs. But we've got a proposal for you, one that will.

We're calling for an emergency reduction in the sales tax. You know and I know that people have to buy winter clothing, warm boots, snowsuits for their kids for this winter. If you really want to get the cash registers humming, if you want to get people in the stores buying, if you want people to accelerate the economy, then reduce the sales tax. Will you do that, Premier?

**Hon Mr Harris:** I do want the record to show that the leader of the New Democratic Party is calling for a tax cut.

Let me say this: with your statement today, with your change in direction, your change in philosophy, you have distinguished yourself from the Liberal Party to finally understand—finally understand—that tax cuts do work. I appreciate the suggestion. I don't know if you had breakfast with Mel Lastman today, who also was talking about a tax cut, and we welcome him talking about lower taxes as well.

As always, we look at all suggestions. We look at all ways that we can stimulate the economy, not only in the short term but in the medium term and in the long term. We make a judgment based upon the balance between health care, between education, between accelerating capital projects, and those kinds of tax cuts that will create the most jobs. So we will continue—

**The Speaker:** Order. The Premier's time is up.

The leader of the third party.

**Mr Hampton:** We've long held that if you want to reduce a tax it should be the sales tax, because that's the tax which impacts upon the average citizen across this

province the most. If you want to get sales moving, that's the tax you should reduce.

You announced your accelerated corporate tax cut and the next day Nortel laid off 20,000 workers, and we know that more layoffs are coming as well. So it pretty well shoots down your whole strategy that by feeding wealthy corporations you're somehow going to induce them to save jobs.

You could help a lot of Ontario families through tough times. A lot of people are worried about losing their jobs; a lot of people have already lost their jobs. They need to buy winter clothing for their kids. They need to ensure that their kids have warm boots and snowsuits when they go to school. These are real needs, and your corporate tax cut isn't going to do a thing for them. If it's so easy for you to say yes to a corporate tax cut that's going to benefit banks to the tune of their \$10-billion profits, why can't you reduce the sales tax so ordinary families can have a chance?

**Hon Mr Harris:** The shareholders and the pensioners who have Nortel in their portfolios will be pleased to know that Nortel, in your definition, is a wealthy company. I would say this: your understanding of wealthy companies is one of the things that brought this province to its knees over your term in office, for the five years that you were in office.

The tax cuts that we have implemented, led, as you know, in large part by personal income tax cuts, along with small business tax cuts and also corporate tax cuts, are designed so that we can be competitive today, in the medium term and in the long term. In addition to putting more money in people's pockets, which stimulates consumer spending, they also have a long-term benefit of boosting productivity, giving people a greater incentive to work. All of our policies have been designed about restoring the work ethic and the incentive to work that you and the Liberals destroyed over 10 years in office.

**Mr Hampton:** The idea of reducing sales taxes to get the economy moving again is one that's being implemented by other provinces. Saskatchewan reduced their sales tax from 9% to 6% and, in preparation for the winter months, took the sales tax completely off home heating oil. In fact, it was in 1980 that someone named Frank Miller, Treasurer of a Conservative government, introduced supplementary measures to stimulate the Ontario economy, and he said, "Reductions in income taxes are not a viable mechanism for achieving immediate relief. However, in the past, reductions in retail sales tax have proven to be the most effective."

If you want to get people in the stores purchasing, if you want to get the economy moving again, reduce the sales tax. Why don't you give up on your continued gifts to your corporate friends, hundreds of millions of dollars to banks that already have \$10 billion in profits? How is that going to help people purchase the goods they need?

**Hon Mr Harris:** If it saves a job, it will certainly help them. Let me say I'm pleased; you usually are about 21 years behind the times when you come out with your economic theories and your economic policies. What we

have to look at is, on balance, what is appropriate today. While we welcome all suggestions, certainly understanding that taxes will continue to be reduced, will be competitive in the future is something the federal Liberal government in Ottawa—not the McGuinty Liberals; they're opposed to tax cuts—and our government have come to the conclusion is what's appropriate at this moment in time. We constantly will review, of course, the policies.

I simply want to repeat that it is very, very refreshing to those of us on this side of the House to find you split from the Liberals now, who wanted higher taxes. At least now you are talking the language of lower taxes. This is a great revelation on the road to Damascus so to speak. I—

**The Speaker:** The Premier's time is up.

1410

### IMMIGRANTS

**Mr Howard Hampton (Kenora-Rainy River):** Also to the Premier: I think people will take note of the fact that you make fun of the possibility of reducing a tax that really impacts on ordinary people. But my next question is about your comments that there are thousands of dangerous illegal immigrants on the loose.

We were in this Legislature a week ago Monday in a non-partisan debate where you suggested that it would be wrong to scapegoat immigrants to Ontario, it would be wrong to scapegoat those people who might be of a different ethnic origin or might be of a different national origin or might be of a different religion. Suddenly, however, you are scapegoating those people.

Premier, could you tell us where you got the information that there are thousands of illegal immigrants on the loose in Ontario?

**Hon Michael D. Harris (Premier):** I agree it would be very, very wrong to talk about immigrants in this country or in this province of Ontario in any way connected to any of the acts of September 11 or terrorism. It would be very wrong for anybody to impugn that motive as well, and I'm sure you understand that.

We talked about illegal immigrants. We don't consider them immigrants; they're here illegally. There are many at large. This has been identified by the federal government. Estimates are in the range of some 20,000 that are there. I think it is wrong for me to refuse to acknowledge that. We acknowledged it before September 11 and we're acknowledging it after September 11, as is the federal government.

I can tell you that the Ontarians I've been speaking to since September 11 are concerned about security and they want us to take every initiative and every measure we can to help guarantee the security of Ontarians, and indeed of Canadian—

**Mr Hampton:** Premier, the motion that you put forward in the Legislature last Monday says, "...to ensure that all Ontario residents continue to treat one another—regardless of race, religion, background or ethnic origin—with generosity, with compassion, with dignity

and with respect." Yet here you are today out there trying to play on the fears of Ontario citizens that there are somehow thousands of illegal immigrants on the loose, and then you try to equate that with terrorism.

Premier, people have died, so people are scared. But could you tell me how fanning the flames of fear, how equating immigration with terrorism, does anything positive, does anything to help the situation in Ontario today? People want to know what you can effectively do rather than simply fanning fears.

**Hon Mr Harris:** The only two people I've heard fan those fears and make that allegation are you and the leader of the Liberal Party, Dalton McGuinty—absolute, utter nonsense.

The Deputy Solicitor General has been in contact with her federal counterpart. The federal deputy has indicated the federal government's support for these ideas. Meetings are being set up shortly between federal and provincial officials to discuss the next steps. Foreign Affairs Minister John Manley calls the moves a good idea. Manley, who heads the federal cabinet committee against terrorism, says all provinces should spend more time focusing on security.

I have to tell you that anybody who considers the rights of illegal immigrants, who are here jumping the queue ahead of all the legitimate immigrants and refugees, more important than the rights of legitimate immigrants, more important than the rights of legitimate refugees, I think is making a huge mistake. I just want to say that I hope that's not what you and the leader of the Liberal Party are alleging with your silly arguments.

### OTTAWA HOSPITAL

**Mr Dalton McGuinty (Leader of the Opposition):** I assume we're still innocent until proven guilty in this House as well.

Speaker, my question is for the Minister of Health. The Ottawa Hospital is in a real mess, a mess that you created as a result of your continuing underinvestment and your poorly planned amalgamation. Six months ago, you received an operational review prepared by KPMG Consulting. They informed you that the Ottawa Hospital is being shortchanged to the tune of \$100 million. Three months ago, you fired the 28-member hospital board and replaced that board with your own supervisor. I can tell you during the course of the past six months we are still short of nurses. We are still experiencing cancelled and delayed surgeries. We are still short of hospital beds and so on.

The question I have for you on behalf of the people of Ottawa is: when are we going to see some substantial progress in improving hospital-based care for our families?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I want to assure the honourable member and this House that we evidently share the same goal of improving the standard of care.



I know the honourable member is relying on the Brendan McGuinty report for a lot of his information. I want to share with this House the actual information in terms of the province's support for the Ottawa Hospital. Base funding has increased this year alone by 5.3%. Indeed, over the last three years, base funding for this hospital has increased 21%. No one in their right mind could challenge the commitment of this government to the actual operational needs of this hospital. The record speaks for itself.

Are there certain issues that have to be resolved? Of course there are. That's why we appointed a supervisor in the first place. We look forward to his recommendations and will act upon them.

**Mr McGuinty:** Minister, you continue to fiddle while Ottawa families experience tremendous difficulties in accessing quality hospital-based care. If you won't listen to the KPMG report, why don't you listen to your own report prepared by the Hay Group, the operational review and clinical audit of the Ottawa Hospital? I'll just quote it for you. It says, "Our analysis supports the notion that the Ottawa Hospital is not funded equitably in relation to its peers to support its overhead activities."

Every objective, impartial observer who's had the opportunity to take a look at what's happening in the Ottawa Hospital is telling you the same thing. We are being shortchanged and our patients are paying the price. We have too few nurses. We have too few beds. We have delayed and cancelled surgeries. We have ambulances that are on a permanent merry-go-round. We have patients spending the night in hospital corridors.

The question I have for you again is—you've been on the job, you've taken responsibility for this hospital now for some three months—when are we going to see some substantial progress for our families?

**Hon Mr Clement:** The honourable member keeps relying on the report that was engineered by Brendan McGuinty. He can do so if he wishes to.

I merely wish to put back on the record the Dalton McGuinty I knew, for it wasn't too long ago that Dalton McGuinty had this to say about hospital accountability. He said, "One of the things that we've got to do is this: to instill our hospital administrators with a sense of accountability to the system and not just to their own institution. In my own riding," he said, "there are five hospitals, and if somebody's got this machine, then the other guy wants the machine. If they've got this expert, they too want this expert. There's no accountability to the overall system, so one of the things that we have to do somehow is nurture that." I agree with that Dalton McGuinty, not the Dalton McGuinty of today.

1420

#### AGRICULTURE IN NORTHERN ONTARIO

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Minister of Northern Development and Mines. Many of the constituents in my riding of Perth-Middlesex

own land and are now harvesting their crops. Many of them play an important part in the production of agricultural goods. As you know, agriculture is an important sector for Ontario. This week, in recognition of the efforts, farmers across Ontario are celebrating Agriculture Week. The agriculture sector in the province is often referred to as the farming community because they work together and face many of the same challenges.

Five per cent of Ontario's farms are in the north. I'd like to know what programs the Ministry of Northern Development and Mines had available to northern farmers.

**Hon Dan Newman (Minister of Northern Development and Mines):** I'd like to thank the member for Perth-Middlesex for this question. I know he does an absolutely outstanding job working hard to represent his constituents in Perth-Middlesex.

While I know that many members of the House have certainly heard of the northern Ontario heritage fund, I'd like to point out that one of the areas of focus of the heritage fund is indeed agriculture. We know that there are at least 4,600 people who are employed in the agricultural industry in northern Ontario, and we want farmers to have access to the latest farm practices and techniques. We recognize that a strong northern agricultural sector means strong northern communities as well as a strong northern economy. That's why since 1996, through the heritage fund, the Mike Harris government has invested over \$17 million in agriculture in northern Ontario.

**Mr Johnson:** My supplementary is also for the Minister of Northern Development and Mines. I know my constituents will be pleased to hear that the Mike Harris government has made such significant investments in the agricultural community in the north. Farmers in the north face unique challenges, and I'm pleased that our government has recognized the important part farmers play in the community and the economy.

For the benefit of all the members of this House, could you please give us some examples of recent initiatives your ministry has taken to support agriculture in the north?

**Hon Mr Newman:** I'd like to thank the member for Perth-Middlesex for the opportunity to speak of some of the recent initiatives for agriculture undertaken by my ministry. In fact, when I was in Vernor on September 18, I was pleased to announce that the heritage fund has provided over \$3.2 million for 11 agricultural initiatives in northern Ontario. I know those projects have the full support of my colleague Brian Coburn, the Minister of Agriculture, Food and Rural Affairs.

Today I had the opportunity to meet with representatives from the Chicken Farmers of Ontario. If I can for a moment just acknowledge their presence here in the gallery today, we have Maher Kalaaji, William Bearss, and Jack Van Netten, who have joined us today for question period.

I think it's important to note that our stakeholders speak best when they speak about our recent initiatives. Daniel Olivier of the West Nipissing Soil and Crop Im-

provement Association was delighted with the announcement. He said the province is helping to make improvements that will boost profitability and encourage the next generation to farm in northern Ontario.

### HOSPITAL FUNDING

**Mr Steve Peters (Elgin-Middlesex-London):** My question is to the Minister of Health. It has come to my attention that at 3 pm today, the London Health Sciences Centre is going to announce the unthinkable: the closure of the pediatric cardiology unit, a direct result of hospitals' forced restructuring.

You approved this plan. You knew this was going to happen and you did nothing to stop it, other than to script your London Tories. London West speaks of only offering the service you rationally can in London. London-Fanshawe: "Of course I want pediatric services in London, but I've got older parents who have had heart surgery, so which do I pick?" London North Centre: silence.

Minister, I lay the blame for this directly at your feet and at the feet of the local Tories. You speak of rationalization. Is shipping critically ill children across this province rational? Is your idea of how to care for children in southwestern Ontario by the closure of this unit and many others? Welcome to Mike Harris's Ontario. These families demand and deserve an answer as to what's going on at the London Health Sciences Centre.

*Interjections.*

**The Speaker (Hon Gary Carr):** Stop the clock. Minister, take a seat.

Come to order, please. You've asked the question. It is now the minister's turn to reply.

Member for London-Fanshawe, come to order.

Sorry for the interruption. The Minister of Health.

**Hon Tony Clement (Minister of Health and Long-Term Care):** I would like to put on the record that the base funding for the very hospital that the honourable member speaks about has increased 26% from the beginning of last year, so our commitment to health services for Londoners cannot be questioned by someone who knows the facts about the situation.

The honourable member asked me a direct question about what is going to take place at 3 pm this afternoon. Let the record show that the clock stands at 2:25. I cannot predict the future, but whatever is announced by an independent board of directors of the London Health Sciences Centre we will have to take a look at, and always act in the best interests of Ontarians.

**The Speaker:** Supplementary?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** It's not just pediatric heart surgery that will be shut down at the London hospital. We understand that as many as 14 programs are going to be shut down. Minister, I say to you that this is the disastrous result of your underfunding of hospitals, and it is just the beginning. You were told that giving hospitals any less than \$650 million would mean service cuts and massive layoffs across this prov-

ince, yet you are actually giving hospitals \$120 million less this year than you gave them last year. That is right, and it's in your estimates book.

You gave London \$15 million to meet a \$58-million deficit, and you told them to cut \$17 million in services. That's the result we're seeing today. That means, with all your talk about efficiencies in restructuring, hundreds of very sick people in southwestern Ontario, hundreds of sick children, hundreds of sick seniors, are going to be told to get their care somewhere else. How many of these restructuring plans are you approving in London and across the province? How many more hospital services are you going to shut down?

**Hon Mr Clement:** I feel compelled to use my time to correct the record. There is an increase of \$450 million of taxpayers' money for hospitals this year, making a budget for hospitals in the province of Ontario of an unprecedented \$8.6 billion for this year. Over five years, that's an increase of 28%. In London over the last two years for the particular hospital that was mentioned in the first question, that's an increase of 26%. That record speaks for itself. It's a record of which we're particularly proud. It's a record that shows we are facing some of the tough decisions and we know where our priority programs in hospitals have to be. We are funding those priority programs, we are funding the hospitals and we are also demanding the accountability necessary to make sure that the money goes to the patient. Patient-centred care, that's what this government is all about.

### DOMESTIC VIOLENCE

**Mrs Julia Munro (York North):** My question is for the Minister of Community and Social Services.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Stop the clock, please. The member needs to hear to ask the question. Sorry for the interruption, member for York North.

**Mrs Munro:** One of the most important services for victims of domestic abuse is the compassionate and supportive voice they can find through a women's crisis hotline. These services are not only an essential source of information, but also a warm and sympathetic voice in their time of need. However, shelters which currently run emergency crisis lines often lack the resources and staffing to provide around-the-clock service. In fact, many women have turned to the Assaulted Women's Helpline in Toronto, since they are the only ones offering service 24 hours a day. Clearly, there is a need to provide greater access to these services for people outside of Toronto.

This government has put a lot of time and resources into getting tough on crime, but we can't forget that community supports are crucial to helping the victims of domestic abuse. Minister, how does your announcement—

**The Speaker:** Order. I'm afraid the member's time is up.



**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** Providing supports to victims of domestic violence is something that's incredibly important, as it is to provide support to all victims of crime. It requires a real balance between judicial supports and law enforcement supports, and we've done an incredible amount in this area. I certainly believe we could do more on the community side.

That's why in addition to the 300 new beds for victims of domestic violence, we announced this morning an initiative to try to expand the supports that women in the greater Toronto area have been able to enjoy for a good number of years. We'll be able to expand this hotline for victims right across Ontario. This is important, not just for people in the GTA and for every region of the province, but particularly for rural Ontario so they can benefit from these services and supports being provided by the government at the same level that they've been enjoying in the city of Toronto for many years.

**Mrs Munro:** Crisis helplines are only one part of the answer to stopping violence against women. It's crucial not only to expand the number of beds in the system, but also to make sure that the services are there and to make sure they're ready to help women break the cycle of abuse and violence. I know you made a major announcement regarding violence-against-women funding in the last few weeks, but what does it mean for the system as a whole, in particular for high-growth areas in the 905 area like York region, where existing services have not kept up with the huge growth in population?

1430

**Hon Mr Baird:** In talking about smart growth and the challenges of a growing population, that is particularly a problem in areas like my home, the Carleton ring around the new city of Ottawa. It's also important in the 905 area, the GTA. That's why we're making an investment of \$26 million to build more capacity in shelters for victims of domestic violence.

In the member's own constituency, we'll be converting 20 beds in Georgina. In Durham region, we'll be refurbishing 30 beds in Oshawa and Bowmanville and increasing beds by 25 in the western portion of Durham. In Brampton as well, we can add an additional 27 beds. This goes to try to meet the increased demands resulting from a growing population to ensure there's a social infrastructure there to be able to support victims of domestic violence.

All people in the province of Ontario deserve the right to live a life free of violence. We all take for granted the tranquility of our own homes. For too many, when they put the key in the door, that's only the beginning of the fear, rather than the end.

#### ETHNIC PROFILING

**Mr Peter Kormos (Niagara Centre):** My question is for the Premier. Sir, does the fight against terrorism require that we scapegoat a particular community?

Because, you see, Major General Lewis MacKenzie, in a recent radio interview, said that ethnic profiling of certain communities would have to be part of a crackdown on terrorism. In his words, "I'm sorry more current attention is going to have to be paid to people who are obviously potentially part of that group." He went on to say, "Look, I'm terribly sorry. The odds are you're not involved but you're going to receive more thorough interrogation."

Premier, you've appointed Major General MacKenzie as your security adviser. Will his ethnic profiling be part of your Conservative government policy?

**Hon Michael D. Harris (Premier):** No.

**Mr Kormos:** This House, all of us, have made it quite clear that we agree with confronting terrorism, but the fact is that human rights and basic freedoms don't have to be sacrificed in the process. You've got to understand what ethnic profiling means to people who don't have the right skin colour or the right surname or the right accent. It means you're stopped more often by the police without reason. It means your home is searched more often. You're under surveillance, you're subject to strip searches, among other things. That amounts to the criminalization and harassment of significant and entire Ontario communities.

You appointed Major General Lewis MacKenzie as your security adviser. Will you please condemn today the statements of Lewis MacKenzie with respect to ethnic profiling and assure us that the people of Ontario will never be targeted by MacKenzie or any other of your policy advisers or appointees because of the colour of their skin, the language they speak or the place they were born?

**Hon Mr Harris:** I don't know where you make up this silly stuff. I can also assure the people of Ontario and all of those of different ethnic minorities, different religious minorities, different skin colour, those who are here in the province of Ontario, I'll do everything in my power never to unleash you or your party on them again too.

#### HOME CARE

**Mrs Sandra Pupatello (Windsor West):** My question is for the Premier of Ontario, and I'd like to ask about home care. When we started restructuring right across Ontario, we were guaranteed by Duncan Sinclair that restructuring would not go forward until community investment was in place. Let me read to you what Duncan Sinclair now says about the home care program. He says, "'There's no question that those people right now who need home care and aren't getting it—they face individual crises,' said Sinclair." That was yesterday.

Let me tell you what an individual from your caucus has written to those responsible in your cabinet for home care: "I've heard from my constituents about their concerns for sufficient funding to provide the level of care to those persons in need outside the hospital setting. We have to ensure the necessary level is provided." That is from Joe Tascona, MPP for Barrie-Simcoe-Bradford.

I'd like to know. You promised community investment. You've let us down. What do you have to say?

**Hon Michael D. Harris (Premier):** Mr Speaker, I think you know there have been massive reinvestments into home care. I understand the member has a resolution she wants debated tomorrow that asks to go back to old levels of funding. I assume she means when her party was in power. That would mean a slashing of about two thirds of the amount of funding that is in home care.

I don't understand why you want to go back to the Liberal ways and cut \$800 million out of home care funding. We are funding home care at record levels. We continue to make record investments into home care. Is there ever enough money for everything that everybody wants and needs in health care? No. We understand that. But when we've been slashed by Liberals in Ottawa, we've done pretty good with \$6 billion more in funding.

**Mrs Pupatello:** That's just such a dumb answer for such a serious issue facing people right across the province. Here's what your member Ted Arnott said yesterday in this House, your member, not a member of the Liberal Party: "Some patients are receiving less care and some aren't receiving the care they need because they're on a waiting list." They're asking you to improve the funding to CCACs.

Here's the member from Lambton-Kent-Middlesex, also from your caucus. Here's what he wrote, "In any event, I don't care how we do it. We must make sure our sick and elderly get the type of care they need when they need it." He says, "How dare we put these people—what am I supposed to answer to Mrs Irwin, who writes to me and knows that we have a problem?" Members of your own caucus are acknowledging that you're not taking care of our sick and elderly people like you're supposed to.

Premier, on an issue this serious, we don't want a glib answer from you. We want appropriate levels of funding. You said it was going to happen this way and it is not. You're responsible. What do you answer to Mrs Irwin and all the people in Ontario—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon Mr Harris:** I say that in Essex county we've increased funding about 34%. I say that—

*Interjections.*

**The Speaker:** Stop the clock, please. The member for Windsor West, come to order, please. Sorry, Premier, for the interruption.

**Hon Mr Harris:** I'm sorry too, Mr Speaker. The opposition doesn't seem to want to hear the answers. I understand why this member doesn't want to hear the answer, because she has a proposal before the House—

*Interjection.*

**The Speaker:** Stop the clock, please. I heard something that's unparliamentary. I need to have a withdrawal, please.

**Mrs Pupatello:** I withdraw, Speaker.

**The Speaker:** I would ask all members to carefully watch their language. The temperature is rising a wee bit. Again I apologize to the Premier for the interruptions.

**Hon Mr Harris:** Thank you very much. Let me be the first to acknowledge that the challenges we face in providing health care are tremendous. They're tremendous all across the country. It has been a struggle to come up with \$6 billion more when we've been cut back by the Liberals in Ottawa. We found those dollars. It has been a struggle in the rapid increase in demand in home care. However, I think the people of Ontario need to know that we have massively increased home care funding. I understand why the opposition members scream and yell and don't—

**The Speaker:** The Premier's time is up, I'm afraid.

#### MUNICIPAL GOVERNMENT

**Mr Joseph Spina (Brampton Centre):** My question is for the Minister of Municipal Affairs and Housing. In speaking to many mayors and reeves across the province over this past while—

*Interjections.*

**The Speaker (Hon Gary Carr):** Stop the clock. This is the last warning for the member for Windsor West. I can't continue with her doing that. If she does it again, we will have to remove her. Sorry, member for Brampton Centre.

**Mr Spina:** Minister, in speaking with many mayors and reeves across this province over the past few months, I noticed there has been some positive comment about the provincial government from the municipal sector. Can you give me some idea of what's going on and what's happened to demonstrate these comments?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** Thank you very much. I appreciate the question, finally a good question from somebody who's in touch with his constituents and municipalities across the province. As you know, municipalities do tremendous work on behalf of the residents in their communities. They make important decisions that affect the quality of life for their communities. We appreciate that and they appreciate the fact that they have a government that recognizes the challenges of being democratically elected, of being in positions of responsibility.

We've been working well together. We've been consulting on a new Municipal Act, something they've asked for for over 140 years. The act was brought in in 1849. For the last 140 years or more they've been asking to update it. Going into the 21st century, they need the tools to do the job on behalf of their residents and their communities. It is something on which we want to work with them to make sure our communities are better places to live.

**Mr Spina:** You mentioned the consultations you've been involved in regarding the proposed new Municipal Act. This has been talked about for a long time by various governments of all stripes. It has been long awaited and anticipated by many municipalities in this



province. When are we really going to start seeing something come out of this? Will we be seeing something in the near future? Will the municipalities have the opportunity to really have input on this?

1440

**Hon Mr Hodgson:** Mr Speaker, through you to the member, he's right. Ministers of Municipal Affairs have promised a new Municipal Act for at least all of my lifetime, and probably the lifetime of most of the members in here. It's become a bit of an annual ritual at the AMO to promise a new Municipal Act.

We think we've got it right. We've got a balance, a consensus with a number of stakeholders that a new act would touch upon. We've been consulting. Al Leach, Steve Gilchrist and Tony Clement set up processes where they consulted. We released a 1998 draft release.

In the words of Hazel McCallion, there's been enough talk on this. Now it's time for action. We intend to, with the co-operation of this House, bring in a new Municipal Act to give our communities the tools they need to provide better service for the next century.

#### MFP FINANCIAL SERVICES

**Mr Bruce Crozier (Essex):** My question is for the Chair of Management Board. Contracts with MFP Financial Services have recently been the object of some scrutiny by municipalities in my riding. MFP Financial is the subject of a lawsuit by the city of Waterloo. The city of Windsor, the county of Essex and the Union Water System are all reviewing, and in some cases withdrawing from, financial contracts with MFP Financial.

In the fiscal year 2000-01, ministries in your government paid fees to MFP Financial totalling \$88 million. Recently I wrote to you asking that you "have the Provincial Auditor conduct a special audit of any contract the province and its agencies, boards and commissions might have with MFP Financial Services."

My question is this, Minister: are you concerned with the government contracts with MFP Financial, and, to protect the interests of the taxpayers of Ontario, what direction have you given to the Provincial Auditor?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet):** I appreciate the question from the member for Essex. To answer your question, yes, I am concerned whenever any type of doubt is raised about any situation that might impact upon any type of government contract. As a result of seeing your letter, I've asked our ministry, Management Board, to investigate all the contracts dealing with this particular company. They have advised me already that in fact we have no legal disputes between them and any of our government ministries at this point in time.

Thank you for the suggestion. We have investigated them. As far as we can see right now, certainly all the contracts we have are on contract and certainly appear to be aboveboard.

**Mr Crozier:** It's like asking the fox to check the chicken house. They signed the contracts with this com-

pany. In fact, one of your senior bureaucrats was on the MFP Web site as having endorsed MFP Financial. Now, mysteriously, that endorsement has disappeared from the Web site. That then would indicate to me, if they don't endorse them any more, that maybe there are some concerns about them.

So, Minister, I'm asking you today, because I think this could come to some unfortunate conclusions in our area, that you have an independent review, not somebody who signed the contracts with them but somebody like the Provincial Auditor, to review those contracts and assure you and this House that those contracts are in fact in order, unlike some of the others that have been signed with municipalities in this province.

**Hon Mr Tsubouchi:** Let me clarify the statement, first of all. As I understand it, the statement was made by a former employee of the government, and it was also appearing not on a government Web site, but also on the Web site of the particular company.

The fact of the matter is that Management Board's job is to be the auditor of this government. We keep track of the expenses of this government, and I must say the civil servants in Management Board are doing a good job. Giving credit for that is part of that which is due for the situation we have right now. We have taken very conservative measures. We have watched our own budgets. It's very important in this day and age; we've done that. Much of the credit goes to the civil service for doing that. I believe we have good employees of Management Board, I believe they are capable of doing their job, and that's a job we'll continue to do.

#### MUNICIPAL GOVERNMENT

**Mr John O'Toole (Durham):** I have a question for the Minister of Municipal Affairs and Housing. My colleague here has just recently asked you a question with respect to the review of the Municipal Act. As you know, this has been under discussion for some time now.

Minister, in what specific terms are you going to be dealing with the issues raised in all three rounds of consultations to satisfy finding the right balance with our stakeholders, the municipal leaders?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** As the member knows, this government has done more consultation on a whole variety of issues than any government prior to our election, right from 1995 on.

In 1998 we released the draft Municipal Act. Al Leach took the lead on that, and we had a lot of input from municipalities right across Ontario, plus input from chambers of commerce across Ontario, from small towns to large cities and boards of trade like the Toronto Board of Trade, right through to a variety of stakeholders that are affected by this act, because this act affects municipal decision-making in terms of how they can provide service to their residents in a large province with a lot of diverse needs. So there has been extensive consultation.

I've had the honour of leading this consultation in the final phases. As I mentioned, in the words of Hazel McCallion, "We've talked enough about this. Now it's time for action." Our government is also known to provide action, unlike previous governments, so we will introduce an act that hopefully will benefit the people of Ontario.

**Mr O'Toole:** Thank you very much for that, Minister. I'll tell you, I am hearing very positive and supportive comments on your approach with municipalities, and this all fits together with, I believe, a larger plan that you have with respect to the Smart Growth initiatives that your ministry is taking the lead on.

There is clear evidence to me in my riding. I know you have served at the municipal level of government, as I have. There's clear evidence that the municipalities do want additional responsibility, but I'm hearing they are ready now for accepting accountability as well. Could you comment on that for me, Minister, please?

**Hon Mr Hodgson:** As you know, municipalities and their councils and the mayors and reeves and regional chairs are accountable. They are accountable to the electorate every three years, just like we are. They cannot budget deficits. They do a tremendous job on our behalf.

Now, there are 447 municipal councils across Ontario and there are a lot of councillors, but most of them by and large get into politics for the right reasons. It's non-partisan; it's to make their communities better places to live.

We consulted on Smart Growth. We consulted directly with municipal councils. Surprisingly, their input back to us was similar to what we heard in the 17 regional consultations, what we heard through our Web site, what we heard through the mail and what we heard on the street from our neighbours and our friends, and at the hockey arenas as well. That is, they want more and better transit, more highways, more transportation. They want a cleaner environment. They want safe neighbourhoods and safe communities.

The Premier has listened. Last week's announcement on transit is truly historic—\$9 billion over 10 years to rebuild this province, to get people and goods moving.

### ETHNIC PROFILING

**Mr Peter Kormos (Niagara Centre):** To the Premier: General Lewis MacKenzie, September 12, CBC Radio—here's the transcript, clearly using the words "ethnic profiling" and recommending advocating it as a tool against terrorism.

Premier, were you aware of the general's viewpoints about ethnic profiling, and if you were, why did you appoint him?

**Hon Michael D. Harris (Premier):** I think that you would agree and certainly most Canadians agree that General Lewis MacKenzie has experience from the military side that could be very beneficial to us. Certainly Norman Inkster was very supportive of his appointment in being compatible with Mr Inkster's appointment.

I think the record will show right here in the Legislature—Mike Harris, Premier of Ontario, October 3: no, we do not agree with ethnic profiling.

**Mr Kormos:** The Premier's record is far from blemish-free. He states, as I said earlier, that too many immigrants from other countries are coming here for a free ride. The Premier has not been exactly generous to immigrant people to this province.

Premier, the reality is that your appointee as security adviser is a clear and unrepentant advocate of ethnic profiling. That means he is prepared on your behalf to single out people of certain skin colour, people of certain ethnicity, people with certain surnames for special treatment, special surveillance, special interrogation, special supervision, special police harassment. The best Lewis MacKenzie will do is say, "I'm sorry, but that's the way it's got to be."

What are you going to do to ensure that doesn't happen? Will you tell us that you revoke your appointment of Lewis MacKenzie today to distance yourself from that policy and that attitude, that advocacy of ethnic profiling?

**Hon Mr Harris:** I think we've made it very clear, and let me repeat, that we do not support any immigrant who is here illegally, jumping the queue, taking places away from legitimate immigrants. I think it is incumbent on us to do something about that. This is supported by the chief of police, it's supported by federal officials, it's supported by others.

As to the previous quote, any immigrant from any country, of any colour, of any religion—including Anglicans from Britain, who were my ancestors—who are coming here for a free ride are not welcome.

### NOTICE OF DISSATISFACTION

**Mr Steve Peters (Elgin-Middlesex-London):** In accordance with section 37(a) of the standing orders, I have filed the appropriate paperwork expressing my dissatisfaction with the answer from the Minister of Health today.

**The Speaker (Hon Gary Carr):** I thank the member for that.

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### PETITIONS

#### COMMUNITY CARE ACCESS CENTRES

**Mrs Sandra Pupatello (Windsor West):** "To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of up to \$175 million due to a funding rollback by the provincial government; and



"Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services, so as to ensure that community care access centres can provide the services that Ontario's working families need."

I'm happy to submit this on behalf of many, many people in the Ottawa Valley.

#### SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Toronto-Danforth):** I have a petition which reads:

"To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Immediately restore adequate funding and staffing to the Ministry of the Environment;

"(2) Immediately pass into law Bill 3, the Safe Drinking Water Act, 2001."

I will affix my signature to this petition.

#### NATIONAL CHILD BENEFIT SUPPLEMENT

**Mr Ted Arnott (Waterloo-Wellington):** This petition is for the Legislative Assembly of Ontario, and it reads as follows:

"Whereas part of the national child tax benefit program the federal government gives as a supplement to low-income families across the country to begin to address child poverty;

"Whereas that money, up to \$100 per month per child, is meant to give our poorest and most vulnerable children a better chance in life;

"Whereas in Ontario the Conservative government deducts the child benefit supplement dollar for dollar from those living on social assistance;

"Whereas this is leaving our province's neediest children without extra money they desperately need to begin their climb out of poverty;

"Whereas all children are entitled to a fair chance at life;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to demand that the government of Ontario stop the clawback of the national child tax benefit supplement and ensure this federal money reaches all low-income families in Ontario."

#### HOME CARE

**Mr Rick Bartolucci (Sudbury):** "To the Legislative Assembly of Ontario:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres (CCACs) to purchase home care services for their clients are rising due to factors beyond the control of CCACs; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care (MOHLTC) is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature, are forcing community care access centres to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of the fiscal year."

Of course, I affix my signature to it.

## CRUELTY TO ANIMALS

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

*Interjections.*

**Ms Mushinski:** I'm pleased to affix my signature to this petition, which my constituents take very seriously, even if the Liberal opposition doesn't.

## FOREST INDUSTRY

**Mr Michael A. Brown (Algoma-Manitoulin):** I have a number of petitions to the Legislative Assembly of Ontario:

"Whereas the Ministry of Natural Resources called for proposals with respect to surplus northeastern Ontario hardwood;

"Whereas Wawa Forest Products submitted a proposal for this surplus northeastern Ontario hardwood which included the building of a manufacturing facility in Wawa within the township of Michipicoten;

"Whereas on April 6, 2001, the Ministry of Natural Resources announced allocations of a portion of the surplus northeastern Ontario hardwood to Grant Forest Products in Timmins and Englehart, and Algoma Mill Works in Blind River;

"Whereas the residents of the township of Michipicoten believe that the proposal submitted by Wawa Forest Products is viable and will result in a desperately needed economic boost to the community and provide the industrial assessment needed for the continued viability of the community;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Natural Resources arrange a meeting between officials of the Ministry of Natural Resources, Wawa Forest Products and the township of Michipicoten. The reason for such a meeting is to coordinate a consensus on minor differences that may exist in the plan submitted by Wawa Forest Products. It is the hope of the township of Michipicoten and its residents that such a meeting would result in the construction of the Wawa Forest Products mill in Wawa."

I support this petition and am most alarmed that the ministry has delayed the next call for proposals.

## DIALYSIS

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** A petition to the Legislative Assembly of Ontario:

"Whereas there is limited dialysis treatment available in the Cornwall area and the Cornwall dialysis clinic's waiting list continues to grow; and

"Whereas the lack of medical treatment forces dialysis patients throughout Stormont, Dundas, Glengarry and beyond to drive to Ottawa, Kingston or Brockville several times each week, even during dangerous winter driving conditions, to receive the basic medical attention and, at the same time, incurring unnecessary stress, cost and inconvenience; and

"Whereas the Minister of Health and Long-Term Care has been presented with a proposal that could drastically reduce the number of kidney patients that are forced to travel to receive the life-saving medical treatment; and

"Whereas the Ministry of Health and Long-Term Care could temporarily increase the number of patients receiving treatment at the Cornwall dialysis clinic until the dialysis unit is up and running at the Cornwall General Hospital;

"Therefore, we, the undersigned, petition the Legislative Assembly to ensure that increased patient treatment places are opened at the Cornwall dialysis clinic."

I have signed my name to this petition to add it to the hundreds and hundreds of others that I've presented.

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## ONTARIO PUBLIC SERVICE

**Mr Pat Hoy (Chatham-Kent Essex):** To the Legislative Assembly of Ontario:

"Whereas the November 2000 announcement of massive privatization of Ministry of Transportation services will have a significant detrimental effect on citizen road safety, confidentiality of citizens' information and on the economy of Ontario; and

"Whereas the employees of the Ministry of Transportation are recognized in writing by the provincial government to have provided excellent service on the government's behalf; and

"Whereas the government of Ontario is taking away the livelihood and decreasing the standard of living of thousands of employees and families by its actions, both directly and indirectly through spinoff effects; and

"Whereas citizens of Ontario are entitled to safe roads, consistency in driver testing, and competent inspection of trucks, school buses and vehicles carrying dangerous goods; and

"Whereas communities continue to need to retain decent-paying jobs if they are to maintain viability and vibrancy; and



"Whereas we taxpayers have entrusted the provincial government with the maintenance of public safety, with an apolitical and efficient public service, a service free of profiteering and protected from conflicts of interests; and

"Whereas privatization is an abdication of such public trust;

"We, the undersigned, petition the Legislative Assembly of Ontario to place a moratorium on all further privatization and to restore and promote public service as being of significant value in our society."

I have signed this petition.

#### AUDIOLOGY SERVICES

**Mr David Caplan (Don Valley East):** I have a petition entitled Listen: Our Hearing is Important, and it is to the Legislative Assembly of Ontario:

"Whereas services delisted by the Harris government now exceed \$100 million in total;

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessment centres across vast regions of Ontario;

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of all Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I agree with this petition; I have signed it.

#### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr Michael Gravelle (Thunder Bay-Superior North):** "To the Legislative Assembly of Ontario:

"Whereas the recipients of benefits under the Ontario Disability Act have not received a cost-of-living increase since a \$2.50 increase in 1987; and

"Whereas the cost of living in Ontario has increased in every one of the years since, especially for basic needs such as housing, food, utilities, transportation, clothing and household goods; and

"Whereas disabled Ontarians are recognized under the Ontario Disability Support Program Act, 1997, and as such have the right to have their basic needs met, including adequate housing, a proper and healthy diet, a bed that does not make them sicker and clothing that fits and is free of stains and holes; and

"Whereas their basic needs are no longer being met because the Ministry of Social Services has not increased the shelter and basic needs allowance of disabled Ontar-

ians eligible to receive benefits under the Ontario disability support program to reflect the increased costs of shelter and basic needs; and

"Whereas a new Ontarians with Disabilities Act has yet to be introduced to help protect the thousands of vulnerable people in Ontario who are dependent on others for their basic needs and care and who are eligible for benefits under the Ontario Disability Support Program Act 1997;

"Therefore we, the undersigned citizens of Ontario, request the Ontario Legislature to urge the government to respect their own definition of basic needs and provide a cost-of-living increase to recipients of benefits through the Ontario Disability Support Program Act that is sufficient to cover the increased costs of their basic needs as of 2001 prices, and that this benefit not be reduced as a result of increases in the Canada pension plan benefit."

I am very proud to sign this petition as well.

#### AUDIOLOGY SERVICES

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I have received just today over 1,000 names on a petition entitled Listen: Our Hearing is Important, which reads:

"Whereas services delisted by the Harris government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario; and

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

There are another 6,000 names which will eventually be submitted from citizens in over 110 Ontario communities.

#### HOME CARE

**Mr James J. Bradley (St Catharines):** I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients

are rising due to factors beyond the control of community care access centres; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year."

I affix my signature. I am in complete agreement with this petition.

## ORDERS OF THE DAY

### STUDENT PROTECTION ACT, 2001

#### LOI DE 2001

#### SUR LA PROTECTION DES ÉLÈVES

Mrs Ecker moved second reading of the following bill:

Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students / *Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.*

**Hon Janet Ecker (Minister of Education, Government House Leader):** Mr Speaker, I will be sharing my time with the member from Simcoe North and the member from Thornhill.

Each day in Ontario, two million students attend 5,000 schools to be taught by about 120,000 teachers throughout our province. Nothing is more important than the safety and security of those students. Every one of those two million children, as well as their parents, must be able to depend on school environments to be free from sexual abuse or misconduct.

I think it's important to note that we all recognize in this House that the vast majority of our teachers deserve and have the trust of both their students and parents.

However, we also know that there have been circumstances where this has not been the case. Identifying and preventing this abuse—sexual abuse, sexual harassment of students—is not a simple problem with a simple solution, but it is a problem that must be dealt with. Its solution requires action on many fronts. Effective and comprehensive responses require extensive consultation, careful planning, and joint action among our education partners, including school boards, teachers, regulatory bodies and this Legislature.

1510

The bill we are addressing today, the Student Protection Act, is another step in that process. It sends a clear message to those who would prey on our children to stay out of our schools.

If passed, this bill would require school boards to remove from the classroom a teacher who may pose a threat to students. If passed, this bill would provide a comprehensive definition of sexual abuse that would recognize sexual harassment and inappropriate behaviour. If passed, this bill would clarify and require new reporting and information-sharing requirements from employers with respect to sexual abuse by teachers. If passed, this bill would create a more comprehensive information-sharing protocol between employers and the Ontario College of Teachers, the teachers' regulatory body, so we can ensure that a teacher who has sexually abused a student cannot move to another school undetected. If passed, the bill would clarify the reporting obligations for teachers if they have information about suspected abuse of a student by a colleague. If passed, this bill would ensure that the Ontario College of Teachers has the authority it needs to take action in cases where students have been or could be sexually abused or harassed.

This bill has been introduced as part of our government's response to the recommendations made by Mr Justice Sydney Robins in his report entitled *Protecting our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*. Members here in the chamber may recall that Justice Robins's appointment to study this issue followed the 1996 conviction of a former Sault Ste Marie teacher who had sexually assaulted several students over a period of 20 years. We asked Justice Robins to review the specifics of that case and to make recommendations regarding protocols, policies and procedures for identifying and preventing sexual assault, harassment or violence throughout the education system. His report contains 101 recommendations directed to the education system very generally, very broadly, and also specifically to the College of Teachers and school boards.

The recommendations focus on a number of key themes, including improvements to the College of Teachers' processes, policies and regulations relating to members' discipline and fitness to practise; improvements to communications and reporting protocols; improvements to the procedures at the school board and the individual school level and also between schools, social agencies, police and parents; and improvements in the



professional development and training of key individuals at all steps of this process.

The proposed Student Protection Act is the latest initiative in the step-by-step process of responding to Justice Robins's recommendations. Before I address the specifics of the legislation that we'll be talking about this afternoon, I would like to take a few minutes to outline some of the steps our government has already taken to prevent and more effectively deal with the sexual abuse of children, and also to respond to the recommendations in Justice Robins's report.

First of all, in 1999 we strengthened the Child and Family Services Act so we could provide front-line child protection workers with the better tools they needed to do their job to better protect kids. The legislation also broadened the definition of sexual abuse to put forward clear reporting obligations not only on all professionals, including teachers, but on members of the public as well. It made sure that all abuse, including neglect and patterns of neglect, could be reported as well. So it very much expanded the reporting obligations and empowered our children's aid officials to better protect our kids.

Last December we announced a provincial model for a local police/school board protocol. That addresses a number of Robins's recommendations around the relationship between school boards, police and children's aid societies, when to call people in, when to report, and how to deal with that. So we've put those protocols out for school boards, and school boards are indeed following those practices.

Through our school-based service program, the Ministry of Education provides annual funding of approximately \$1.3 million to support district school boards to contract with local women's shelters and similar agencies to provide prevention education to teachers and students on violence against women.

Through the ministry's violence-free schools policy, school boards provide opportunities for staff to acquire the skills and the training, the knowledge that they need to recognize the signs of physical, sexual or mental abuse and to know what action they should take if they indeed encounter such circumstances.

In our new elementary curriculum, the personal safety and injury component of that curriculum introduces such topics as sexual harassment, child abuse and violence in relationships in an age-appropriate manner so that students can learn what is acceptable behaviour and what physical boundaries they should be able to expect.

This fall, the ministry also released a revised policy program memorandum for our schools to increase the awareness of the professionals and staff in our schools about their obligation to report child abuse under the Child and Family Services Act.

Work has also been continuing with the ministry and our education partners to meet another key recommendation from Justice Robins regarding criminal background checks, so we are developing a regulation to require criminal background checks for teachers and other school employees in contact with children. Imple-

mentation of the background checks, I should note, is going to be phased in over the next two years, and we'll be announcing further steps on that later this fall.

There have been a number of other steps taken as well in the legal system, through our court system, to ensure that abuse cases can proceed expeditiously and effectively through the system and that children who might be caught up in those cases are also dealt with in a very sensitive and effective way. All of these initiatives speak directly to one or more of the specific recommendations that we've received from Justice Robins.

The planning and consultative processes that have led to this legislation began shortly after we received the Robins report last year. I met with the Council of Ontario Directors of Education, trustees' associations, principals' and vice-principals' associations and teacher groups to talk about strategies and work plans for addressing those recommendations to make sure that all of the education partners are moving forward in an expeditious manner to try to put in place his very good recommendations.

We've been working with school boards to ensure that they are making important changes in programs, policies and procedures that address those recommendations. I also met with the College of Teachers to request that they review their policies and procedures as well, in light of the many Robins recommendations concerning those matters.

I think it's important at this point to thank all those education partners who have taken steps to improve protection of students, who have provided us with helpful advice on this important, complex subject, and that advice has been very instrumental in shaping and allowing us to bring forward this legislation today.

I think it's also particularly appropriate to thank the Ontario College of Teachers for its hard work on this issue and for the actions that it has taken to respond to Justice Robins's recommendations and the recommendations that they have made to the government, based on Robins's work.

The legislation we are addressing today has one overriding objective: the Student Protection Act's purpose is to ensure that students in Ontario schools can be more effectively protected from sexual abuse and sexual misconduct.

I'd like to emphasize again that I understand that legislation such as this can cause anxiety among those individuals who would come under it. So I think it's important, and I know honourable members here would share with me, to express the sentiment that the majority of our teachers are indeed law-abiding individuals who are dedicated to enriching their students' lives and to protecting them from harm. They have and deserve the trust and the respect of students and parents alike. However, as Justice Robins confirmed, it is a disturbing reality that there are cases of sexual abuse, that they do occur and that there are those individuals, some teachers, who have taken advantage of their positions of trust in the classroom.

In our view, and I believe in the view of everyone in this Legislature, the existence of even one sexual offender in the classroom is simply one too many. We must ensure, all of us, that we've taken every possible step to provide safeguards for our students and reassurance for parents.

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Bill 101 proposes a series of amendments to the Education Act, the Ontario College of Teachers Act and the Teaching Profession Act. I would like to address each of the bill's key provisions and present some of the rationale for these important changes.

Part I of the bill proposes an amendment to the Education Act that is very critical to protecting students from sexual abuse and harassment, and it would place an important new duty on our school boards, which of course are the employers of teachers. When boards become aware that a teacher has been charged with or convicted of an offence involving sexual misconduct or any other offence that might put students at risk, they are required under this legislation to ensure that the teacher does not perform any duties that involve access to students. They, as employers, are obligated to take action, to make decisions about protecting our students, making sure they are not at risk. This requirement would apply to all certified teachers and temporary teachers working for school boards, school authorities and provincial school authorities. In practical terms, it could require immediate removal of the teacher from the classroom and from any other duties that might involve contact with students.

Justice Robins proposed a definition of sexual abuse. However, when we sought the advice of our partners and had taken a look at what had worked in other professions, specifically the Regulated Health Professions Act, it was our view that that definition, helpful as it was, did not go far enough. One of the challenges with it was that it talked about inappropriate behaviour, but it talked about behaviour as defined by its impact on students. So the question became, if there was a negative impact on a student, it was therefore perhaps wrong behaviour, as opposed to clearly recognizing that there is inappropriate behaviour that should be prohibited regardless of whether there's an impact on students. So whether or not it offended or negatively impacted a student is not the important point here; it's, if this is sexual misconduct, unacceptable behaviour, it should be prohibited.

So the amendments contained in Bill 101 would meet the need for a broad, comprehensive definition of sexual abuse that's focused on inappropriate behaviour, as well as addressing the fact that there is no actual definition in the Ontario College of Teachers Act or the Teaching Profession Act. The definition of sexual abuse that we are proposing in section 2 builds on the definition used in the Regulated Health Professions Act, which is the law that regulates all our health professionals, 24 health professions. The definition that we have chosen to use, based on what that act says, would define sexual abuse by a teacher as sexual intercourse or other forms of physical sexual relations between a teacher and a student,

touching of a sexual nature of a student by a teacher or behaviour or remarks of a sexual nature by a teacher toward a student.

We believe this definition will provide significantly increased protection of students from both abuse and harassment. The definition would define abuse so that it includes not only sexual assault and touching, but also inappropriate sexual remarks. I think one of the other benefits of this particular definition from the Regulated Health Professions Act is that, in effect, it has been road-tested, because it is very difficult to try to legally put down in words an appropriate definition that meets the legal test but at the same time is a definition that can be readily understood and learned by all members that it governs.

I'd like to take a moment to remind the House of the role played by the College of Teachers in regulating the teaching profession here in Ontario. I'm sure members in this House will remember that the college was first established by our government in 1996, based on work that had been done by many groups and organizations to put the recommendations forward. This initiative putting the college in place recognizes the contribution of the profession to this province as well as the importance of teachers regulating their own profession, as many other professions do. It also, I think it's important to note, recognizes the importance of the public, the public interest, because the governing council of the College of Teachers, while it has elected members of the teaching profession, also has on it members of the public who can assist and guide in the important decisions that the governing council must make.

The college has a number of important responsibilities. They set and regulate teaching qualifications, standards of conduct, registration of members, and investigation and discipline of members charged with professional misconduct. Based on the recommendations we have received from the college, which did considerable work around Robins's recommendations, Bill 101, this legislation, proposes a number of important improvements to strengthen the ability of the college to respond to cases of sexual abuse by certified teachers.

The legislation that we are proposing puts forward a number of essential changes to the reporting relationship between employers and the college. This is a very important step because, as Robins has indicated, one of the gaps that occurred in the case that he was dealing with was having employers and the college know information they both needed to know about a teacher who may well have been engaging in inappropriate behaviour so they could take the appropriate action. This legislation, should it pass, will require that all employers of certified teachers would be reporting to the college within 30 days where a teacher's employment may well have been terminated or his or her duties restricted for reasons of professional misconduct. So if an employer, whether it's a school board or another organization, has felt it had to take action to remove a teacher, restrict a teacher in their access to students, if there's that question



of risk, the college, the regulatory body, needs to have that information.

Second, the legislation would require employers to report to the college if the employer had intended to terminate the teacher's employment or restrict their duties due to professional misconduct but did not do so because the teacher resigned. Again, this provision is very helpful in preventing teachers who may have engaged in inappropriate behaviour from moving undetected from one school or one board to another. What has happened before is that in some of these circumstances a teacher might well, knowing what was about to happen to them from the employer or as part of some arrangement that has happened in the past between employers and employees—arrangements are made that, "If you resign we won't take action." It's an important loophole and Robins has recognized that. We could see the impact of not having this kind of clear reporting obligation in place in what happened up in Sault Ste Marie. So this is, I believe, a very important closing of a loophole with the proposals in this legislation.

Third, the registrar of the college would also be required to report back to employers on action that the college has taken. I think this is an important step too, because if the college has taken action to discipline, has determined inappropriate behaviour, that things have happened that shouldn't have happened and students may well be at risk, the college has an obligation to ensure that employers are also aware of the disposition of the case involving their employees. Equally important, if there has been an investigation and there is no evidence that inappropriate behaviour has occurred, if a teacher has been exonerated, the employer needs to know this. That's another important gap, another important balance that this legislation seeks to address.

Fourth, employers would be required to notify the college when they become aware of a number of very important circumstances; for example, if a charge has been withdrawn, if a teacher has been discharged following a preliminary inquiry, if a charge has been stayed, if a teacher has been acquitted. Again, the college and the employer need to have the information if actions that shouldn't have happened have happened, but, equally, if investigations have said there was not an offence, nothing did happen, they need to know that as well.

The fifth new reporting initiative proposed in this legislation would require the college to provide employers with its decisions regarding teacher employees relating to professional misconduct and professional status.

Sixth, to enforce compliance, Bill 101 would make it a provincial offence punishable by a fine of up to \$25,000 for an employer who may well contravene the reporting requirements included in this bill.

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To summarize, the reporting requirements we are proposing would, we believe, help prevent and help catch the following activities: acts that result in a charge or conviction involving a teacher's sexual conduct; any other charge or conviction of an offence that in the opin-

ion of the employer may put students at risk or harm of injury; and any conduct or action that in the opinion of the employer should be reviewed by one of the college's committees—discipline, fitness to practise or the like.

These reciprocal reporting relationships are designed to make sure that all parties who have a legitimate legal interest or responsibility for the protection of students are aware of any activities that might put students at risk.

The final area that is addressed by Bill 101 focuses on the obligations and responsibilities for teachers if they are aware of suspected abuse, misconduct, that students may well be at risk. The bill focuses on their responsibility first of all to be vigilant, but to take personal action if indeed they are aware of these circumstances.

Under current legislation, certified teachers, members of the Ontario Teachers' Federation, are required under a regulation that is under the Teaching Profession Act to notify their colleagues if they file an adverse report against them. In cases of sexual abuse, this is an extremely significant barrier to teachers reporting suspected abuse and it was something that had been identified as a problem, something that we needed to clarify in the legislation.

The other confusion is that the comprehensive reporting requirement under the Child and Family Services Act clearly talks about all professionals, including teachers, having a very high obligation to report incidents or alleged incidents of sexual abuse, so they are required to report to children's aid societies when they become aware of any child who is or may be in need of protection, and in that one there are actually restrictions. They cannot notify their colleagues, no requirement for notification of colleagues, and very strict privacy concerns, as there should be.

This, of course, quite understandably, has provoked confusion among teachers as to how they should meet these dual obligations. We have certainly recognized that these differences might lead to some confusion with respect to notification of colleagues and that for some teachers the obligation that they should tell the other teacher about the report itself may be a deterrent to reporting potential sexual abuse.

To ensure the protection of students, to make sure that the college has the knowledge that it needs so they can conduct the investigation, so they can determine what action needs to be done, that the employer has the information they need to take steps to protect our students, to ensure that there are not barriers to this reporting, this legislation proposes to amend the Teaching Profession Act so that it would preclude notification of adverse reports. If a teacher does feel compelled to make a report to the college about sexual abuse, they do not have to tell the other teacher about the report. That is based on the recommendations we received and is an important step to take here.

I think it is also important to note, because it is fair to repeat here that the College of Teachers—there are many legal protections, balances, checks in the system, privacy protections around information to ensure that information

they receive is treated appropriately, is investigated thoroughly and that the rights of any teacher who is so accused has had reports made on them are protected as well. But at the end of the day the bottom-line priority here is to make sure that when there are reports about suspected abuse, reports that indicate there may be a problem, that information goes to where it should so that action can be taken. That has to be, at the end of the day, the most important priority. That's a very important principle that this legislation is focused on.

We would propose to amend the Teaching Profession Act to preclude that kind of reporting on sexual abuse and we're also going to be working with our education partners to extend that provision to say that not only if a teacher is reporting on sexual abuse, but if a teacher is aware of and is reporting on incidents where students may be at risk, where conduct of another teacher may well be putting students at risk, they not have to make that adverse report or that report to their colleague about the report they've filed, again making sure that the priority is protection of students, and that where such cases are occurring or are suspected to be occurring, that information gets passed to the College of Teachers. We will be working with our education partners to extend that provision under the Teaching Profession Act to all situations where students may be at risk of potential harm.

In closing, this legislation we have drafted is aimed at ensuring that our students are safe, that we are taking the right steps, the appropriate steps, to protect our students in the classroom. This bill proposes to take strong action to improve our laws, to enable school boards or other employers of certified teachers, the college with its regulatory obligations, to ensure they can better protect our children from sexual abuse and sexual harassment and to ensure the rules are very clear so that members of the profession also understand what is and is not acceptable.

This legislation represents the advice we have heard from Justice Robins and from our education partners, including parents and students—I should point that out as well because their advice has been very helpful in this. So it represents that advice. It represents the experience the government has learned from the Regulated Health Professions Act, which has strict laws around preventing sexual abuse of patients or clients of health professionals. I hope all members of this Legislature would agree that this legislation is good legislation, that it's necessary legislation and that it will indeed help ensure that our children are better protected, that there are not incidents such as we've seen in the past.

Protecting our children is essential. As individuals, as legislators, as teachers, as parents, we all have a responsibility to do what we can to prevent sexual abuse and to keep our children safe.

I look forward to hearing the comments of my colleagues opposite and I certainly hope they will see fit to support this legislation at the end of the day.

**Mr Garfield Dunlop (Simcoe North):** It's a real pleasure for me to be able to stand here this afternoon

and speak on Bill 101, the second reading of the Student Protection Act, 2001. I'd like to congratulate Minister Ecker and all of the staff in her office and in the Ministry of Education for their work in drafting this bill.

I'd also like to congratulate Minister Ecker on her hard work as minister. I've been involved in politics for about 20 years, municipal and provincial, and I've seen very few people so committed to their work as Janet Ecker.

The purpose of this legislation could not be clearer. It is to ensure we are doing what we can to prevent children from becoming victims of sexual abuse. Bill 101 does something else that's important: it builds on our government's growing record of assistance for children who need support and protection. It's the goal of our government to help every child in Ontario get a good start in life, to help every child reach his or her full potential.

Before I speak directly to the specifics of the bill, I'd like to take a moment to outline just a few of the key accomplishments our government has made in providing more comprehensive support for vulnerable children and families.

In 1999 this government brought major revisions to the Child and Family Services Act. We improved the tools needed by front-line workers to do their job of protecting vulnerable children. We expanded the identification of vulnerable children to reach a way to help a child who is or may be in need of protection. We strengthened the requirements for professionals to report to the children's aid society if a child is or may be in need of protection, and we provided the societies with greater access to the information they need to protect our children as well.

Over 135,000 children receive a nutritious meal on school days through our government's \$4.5-million partnership with the Ontario Breakfast for Learning program. All 139,000 babies born annually in Ontario can be screened through our \$70.5-million Healthy Babies, Healthy Children early intervention and protection program. Since 1995, our government has increased funding for child welfare by 115% to over \$775 million, allowing children's aid societies to hire more than 1,000 new child protection workers.

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Overall, our government spends more than \$775 million a year on child protection. Earlier this year, through Ontario's Early Years plan, the Ministry of Community and Social Services, through Minister Baird—and I'm pleased to see he's here in the room today—announced new funding of \$114 million for targeted and universal programs to help vulnerable children and to support the creation of Early Years centres across our province.

This is an enviable record, a record that confirms our government's commitment to ensuring that our children and young people get off to the best possible start in their lives.

Since we are talking about protection for vulnerable children, I think it is only fair that we look at what other governments are doing in this area. While the legislation



we are addressing today is focused particularly on our schools, it is important to remember that other initiatives in other jurisdictions can play an important role in protecting children from sexual abuse.

For some time, our government has been taking the lead in lobbying the federal government to establish a national sex offender registry. The point we have been attempting to make to the federal government is simple and straightforward. As Ontario's Solicitor General said last month, "A national sex offender registry is absolutely critical to community safety. Sex offenders cross provincial boundaries—information on sex offenders must do the same. If the federal government is serious about protecting the public, it will put a real national registry in place, one that stretches from coast to coast and includes offenders in every province." I know that Minister Turnbull was in my riding when he made some of those announcements with the Solicitor General from the province of Alberta.

The need for action on a national sex offender registry is urgent, and we hope the federal government will act on Ontario's appeal for action. We believe a registry is just one more essential step toward affording our children the safety and protection we all agree they deserve. If there is a logical reason for the federal government not to take up the suggestion, I cannot think of it.

At the federal-provincial conference of justice ministers last month, Ontario's Attorney General and Solicitor General took two important additional steps on behalf of the safety of children. First, they asked the federal government to speed up passage of proposed legislation to make luring of children on the Internet an offence. Second, they asked the federal government to amend the Criminal Code to make it illegal for an adult to communicate with another adult over the Internet for the purpose of sexually exploiting our children. Once again, what could be more obvious than the need to protect children from being drawn into illicit and dangerous activity through the Internet?

The point of these initiatives we have taken with the federal government as well as the legislation that we are discussing today is that protecting children from sexual abuse is a complex challenge. There are no silver bullets; there is no single action any of us can take that will solve the problem. It takes coordinated action involving all levels of government to reduce the likelihood of violence in our communities, and it takes the kind of coordinated action we are proposing between this government and education partners that is specifically addressed in Bill 101.

In many ways, it is a sad reality that this kind of legislation should even be necessary. If there is one thing that our children should be able to count on, surely it would be freedom from sexual abuse in their schools. Of course, we know that all professions face the challenges of policing individuals who abuse their positions of trust and engage in unacceptable behaviour. Experience equally shows that the vast majority of teachers have earned the trust of students and parents. Each of us knows

teachers who regularly go the extra mile to make a positive difference in their students and their communities every day.

I was so pleased to see today Mrs Cathy Pinnell from Couchiching Heights Public School in Orillia with her class here in the gallery. We had an opportunity for a photo opportunity outside. I just wanted to point out that Mrs Pinnell is married to a gentleman by the name of Mark Pinnell, who taught my children in public school, in the Coldwater public school system. It is good to see Cathy here today with her class.

However, the legislation is not about them. In developing this legislation, the challenge the government faced was how to respond effectively to some exceptional circumstances that have some very serious consequences for students, for parents and for the credibility of our education system.

In order to fully appreciate what the government is proposing in Bill 101, it is important to understand the role played by the Ontario College of Teachers in regulating the teaching profession in our province. Members will recall that the college was established by this government in 1996. Our government took that step because we recognized the contribution of the teaching profession to our province as well as the importance of teachers regulating their own profession in the same way that many other professionals do.

The college has a number of very important responsibilities, including the setting and regulating of teaching qualifications and standards of conduct, registration of members, and investigation and discipline of members charged with professional misconduct.

The college has played an important role in the development of the Student Protection Act. This was essential because, of the 101 recommendations made by Justice Robins, 36 related directly to the college's responsibility to regulate the teaching profession and deal with discipline issues.

In the spring of 2000, after the Robins report was tabled, the Minister of Education met with senior officials of the college to discuss its findings. She invited them to conduct a review of their policies and procedures in light of Justice Robins's recommendations. After consulting broadly among its stakeholders, the college's governing council earlier this year voted to accept the following: to request that the government amend the Ontario College of Teachers Act to spell out clear obligations to report suspected or alleged sexual misconduct; to revise the college's professional misconduct regulation to include reference to sexual misconduct; and to distribute a professional advisory on sexual misconduct to all members of the teaching profession, including classroom teachers, vice-principals, principals, superintendents and directors.

In addition to addressing the many issues raised by Justice Robins, this legislation also responds to the recommendations made by the College of Teachers and other education partners. In particular, the act supports the appropriate role that is played by the college in

regulating the teaching profession and addressing discipline issues. It would provide the Ontario College of Teachers, the professional body that regulates the teaching profession and governs its members, with the added authority it needs to take strong action against those who would harm our students.

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One of the key recommendations made by Justice Robins in his report was the need to create a clear definition of sexual abuse in the educational context. He reached that conclusion for two important reasons. First, there are three principal statutes that deal with the regulation of education and teaching in the province of Ontario: the Education Act, the Ontario College of Teachers Act, and the Teaching Profession Act. In none of those acts, nor in their regulations, is there currently a definition of sexual abuse. As Justice Robins noted, "The regulation of the Ontario College of Teachers Act represents the only specific reference in the three education-related statutes to sexual impropriety. It identifies 'sexual abuse' as professional misconduct. Sexual abuse is not defined. The term 'sexual abuse' is ill suited to embrace the full range of sexual activity that should constitute professional misconduct."

Justice Robins raised a second important issue in relation to the definition of sexual abuse: the need for a definition that is both clear and broader, to capture sexual harassment as well as sexual abuse.

The definition proposed by the Student Protection Act addresses both of these issues. The definition is based on a similar definition that is already in use in the Regulated Health Professions Act. It would define sexual abuse by a teacher as the following: sexual intercourse or other forms of physical sexual relations between a teacher and a student; touching of a sexual nature of a student by a teacher; or behaviour or remarks of a sexual nature by a teacher toward a student.

This proposed definition is an important departure for several reasons. Bill 101 proposes a more comprehensive definition of sexual abuse. By including inappropriate sexual remarks, it is intended to protect students from harassment. It is also a clear and more explicit definition that will promote that wider understanding and remove the current uncertainty over what constitutes sexual misconduct in an educational environment. Finally, the government is proposing that expanded definition would also form part of both the Ontario College of Teachers Act, 1996, and the Teaching Profession Act.

This is very important legislation. Its passage by this House will make a major contribution to the safety and security of our children here in this province. If there is any doubt as to the need for the Student Protection Act, let me leave the last word to Justice Robins. Justice Robins said, as follows: "These questions raise issues of great importance and require serious attention. After all, children are our most precious asset. Schools are intended to be healthy and nurturing environments within which children can safely learn and grow. When a school

environment is poisoned by sexual crimes or harassment, it is of fundamental concern to all of us."

For the sake of our children here in our province, our own children, our grandchildren, our brothers and our sisters, I'd ask that all members of this House support this badly needed legislation. I think it's something we owe the children of our province. I thank you for the opportunity to say a few words to you here today.

**Mrs Tina R. Molinari (Thornhill):** I am pleased to have this opportunity to speak in support of the second of reading of Bill 101, the Student Protection Act, An Act to protect students from sexual abuse and to otherwise provide for the protection of students.

The purpose of this legislation is clear and direct, as has already been stated by my colleagues. This government is sending a strong message that sexual abuse and sexual harassment of students by teachers will not be tolerated in our province. Bill 101 proposes concerted and coordinated action to ensure that our children are safe in our schools.

This legislation is the latest of a series of responses by this government to the recommendations made last year by Mr Justice Sydney Robins that have already been referred to by the previous speaker. This report is Protecting our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools. Members will recall that Justice Robins's appointment to study this issue followed from the 1996 conviction of a former Sault Ste Marie teacher who had sexually assaulted several students over a period of more than 20 years. The government asked Justice Robins to review the specifics of that case. We also requested that he take a broader view. We requested that he consult with education partners and also give us his advice on how the system deals with sexual assault, harassment or violence throughout the entire education system.

Justice Robins's report contains 101 recommendations. They speak particularly to all parts of the education system and to all education partners, and particularly to the Ontario College of Teachers, school boards and the Ministry of Education. The recommendations focus on a number of key themes, including a clearer definition of "sexual misconduct" that includes sexual harassment; refinements to the policies, protocols and procedures for school boards, teachers, the Ontario College of Teachers, children's aid societies and police services to follow when sexual abuse is suspected or occurring; refinements to the Ontario College of Teachers' processes, policies and regulations relating to members' discipline and fitness to practise; and the need for more effective professional development and training to tear down misconceptions about sexual abuse of students and to build more effective responses for victims of sexual abuse.

In addition to responding to the recommendations made by Justice Robins, this proposed legislation is also the latest step taken by this government to ensure that schools are safe and secure.



Having been a school trustee for 11 years with the York Catholic board and the chair with that board for four years, I have spoken to several parents, students, teachers and other school boards across the province. One desire is common among all of us, that schools should be a respectful place for teaching and learning.

In the spring of 2000, our government recognized that desire by taking two important steps: first, we created Ontario's provincial code of conduct to set clear, consistent, province-wide standards of behaviour for everyone involved in our schools and to promote respect, responsibility and civility in Ontario's schools. Second, our government passed the Safe Schools Act, which provides the legal authority to make the code of conduct a policy of this government. It also sets mandatory consequences for students who do not observe the rules. Since the passage of this legislation, the minister and the ministry have taken a number of important steps to implement the safe schools initiative and to provide greater protection to children generally.

In 1999, parts of the Child and Family Services Act were rewritten to strengthen the role of front-line workers in protecting children. The amendments expand the reasons for finding that a child is in need of protection. They placed clearer responsibilities on professionals and the public to report if a child is or may be in need of protection.

Last fall, we moved to improve student safety by implementing a new access-to-school-premises regulation. This regulation gives principals and boards the right to limit school access to students, parents or guardians, teachers and staff or other authorized persons. Also last fall, the Minister of Education and the Solicitor General issued a provincial model for local police/school board protocols. School boards are required to develop their own protocols with their local police forces. These protocols must follow the model set out by the government and include the elements in the model. The model protocol sets out clearly when schools require police involvement and how boards must work with police to prevent school-based crime and violence.

In cases of suspected sexual abuse or harassment, the protocol requires the involvement of children's aid societies. It also sets standards for when and how parents will be informed of an incident involving their child and how and when students will be interviewed in such cases.

This fall, we are phasing in additional elements of the safe schools initiative. Effective this September, principals now have the authority to expel students from their schools for up to one year for serious infractions set out in the Safe Schools Act, 2000. In addition, teachers are now able to issue one-day suspensions for a number of provincially set infractions for which suspension is mandatory. Since April, school and board staff have been receiving training to support their new roles and responsibilities.

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The government is also acting to help students who are fully expelled by their boards access the assistance

they need to turn their lives around. Under the new "expulsion of a pupil" regulation, these students must earn their way back into the regular classroom by successfully completing a strict discipline or equivalent program. Fifteen strict discipline projects for fully expelled students began with the start of the new school year.

Work is in progress to require criminal background checks for everyone teaching or working in Ontario schools who has regular contact with children. The ministry is planning to phase in their implementation over the next two school years from this fall to August 2003. We have consulted broadly on this issue with education partners, including directors of education, principals, the College of Teachers, trustees' associations and the Ontario Teachers' Federation. Criminal background checks will provide school boards with an additional tool to assist them in creating more secure learning environments.

Finally, the Ministry of the Attorney General has expanded specially designed child-friendly courts to help make the courtroom less intimidating for young victims and witnesses.

This is a highly impressive record of new legislation and program initiatives to support and protect children and to improve the quality of education in Ontario. Most of these initiatives have been moving us toward more positive school environments where both students and teachers can count on a safe and respectful environment.

Some members may wonder what some of these initiatives have to do with identifying and preventing sexual abuse or sexual harassment in schools. I want to assure them that there is an important connection. In his review of policies and procedures in this area, Justice Robins had some important comments on the linkage between safety and security generally and the prevention of sexual abuse in particular. I want to share those observations with members because I believe they are important to understanding the comprehensive approach this government is taking toward safety in our schools. The report says:

"It is important to remember that policies and protocols designed to identify and prevent sexual misconduct by educators may, and indeed, should be established within larger initiatives designed to create a school environment free from violence, abuse, harassment and discrimination.

"These initiatives could address student-to-student or student-to-teacher activities as well as a wide range of conduct, including physical abuse or harassment unrelated to sexual misconduct.

"It is hoped that these policies and protocols recommended in this report can be integrated with analogous policies."

That is exactly the kind of approach our government has been taking through our various safe schools initiatives. In our view, safer and more respectful schools are the essential starting point in meeting the challenge of combating sexual misconduct.

Let me outline briefly the key features of this legislation. Bill 101 is aimed at reducing the risk of sexual abuse of students at the earliest possible time and as quickly as possible. It would impose a duty on school boards to remove from the classroom a certified teacher who may pose a threat to students.

Part II, amendments to the Ontario College of Teachers Act, 1996, includes a comprehensive definition of sexual abuse that, in addition to sexual abuse, would recognize sexual harassment and inappropriate behaviour. The legislation would clarify and impose new reporting and information-sharing requirements on employers with respect to sexual abuse by teachers.

The bill proposes more comprehensive information-sharing protocols that would help ensure that a teacher who is abusing a student would not be able to continue to prey on students because of either a lack of information or an unwillingness of employers to share information. The proposed legislation would also recognize the importance of teachers regulating their own profession and it would support teachers in their responsibility to report suspected sexual abuse by their colleagues.

Several of these provisions of the bill deal with what are described as policies and protocols for dealing with cases of sexual misconduct by teachers. There are a number of these policies and protocols identified in the Justice Robins report. In the interest of time, I would ask that all of the members of the House refer to the document. I can't at this point go through and quote a number of them, but I would recommend that everyone here read that report.

In conclusion, as the minister said last week when she introduced this bill, we are sending a clear message to those who would prey on children: stay out of our schools.

I referred earlier to Justice Robins's comments about the need for clear policies and protocols, and that is what I want to turn to now. What's being proposed in Bill 101 is a series of reciprocal reporting relationships between the employers of certified teachers and the Ontario College of Teachers. At key decision points in a case of sexual misconduct involving a teacher and a student, information will be shared between the employer and the college and between the college and the employer. As a result of these proposed requirements, the lines of communication should always be open. Critical information of sexual abuse cases should get to the right place at the right time. Neither employers nor the college should be in the dark about the expectations. If passed, this legislation would make the requirements clear.

The final point I want to make relates to the responsibility of teachers to report suspected cases of sexual abuse. At present, certified teachers who are members of the Ontario Teachers' Federation are required under a regulation of the Teaching Profession Act to notify their colleagues if they file an adverse report against them. In the minds of some, and Justice Robins referred specifically to this, there is a possibility that this requirement for notifying colleagues might be acting as a deterrent to the

reporting of sexual abuse. Before I close, I would like to take a few minutes to ensure we all know what these terms mean in the context of identifying and preventing sexual abuse and sexual harassment in our education system.

I urge everyone in the House to support this legislation. If you care about protecting kids, you will support this.

**The Acting Speaker (Mr Bert Johnson):** The member's time has expired. Comments and questions?

**Mr David Caplan (Don Valley East):** The Ontario Liberal Party and Dalton McGuinty will support any measure that's going to protect children in Ontario, and I will be supporting this bill.

There is a major flaw in the bill, and I would refer to the comment of all three speakers: the Minister of Education, the member for Simcoe North and the member for Thornhill. The Minister of Education said that this covers approximately 2.2 million children in the public educational systems that are funded. The member for Simcoe North said that this should cover all children. The member for Thornhill said that this legislation only covers those children who are taught by a certified teachers.

In the province of Ontario, there are over 50,000 children who are taught in schools by people who are not certified teachers. This legislation does not cover them. I would ask very directly to any one of those members who spoke, will the government amend Bill 101 to include all children? They should, because it is the responsibility of every legislator and every member of this provincial assembly to do what they can to protect all children, uncategorically and with our full support. So would any one of those members who spoke and who will be commenting after the four questions are posed answer the question very directly, yes or no? Will you amend Bill 101 to include all children in Ontario, yes or no?

1610

**Mr Rosario Marchese (Trinity-Spadina):** Mr Speaker, just to inform you and the public that's watching, I have a predilection for attacking the Minister of Education on a regular basis, but I have to tell you on that this particular bill she's got 90% of my support, that it's a good bill, and that they have clearly followed the advice of Justice Robins and used his report as the basis of this bill. That's to be complimented. We compliment Judge Robins and his report. We acknowledge his work and we want to congratulate and thank all the people who participated, which includes teachers, parents and so many others who wanted to have a say in this regard with respect to protecting young people from sexual abusers or potential abusers or predators.

In this regard, the Minister of Education has done a very important thing, because as she said, and the members from Thornhill and Simcoe North as well, we're all concerned about the safety of children, each and every one of us. Teachers are concerned and parents are concerned. Everyone is concerned about protecting young people. I want to say that it's a serious issue. I treat it as



such. Our party treats it as such and we will support it with, of course, some obvious criticisms that I will be touching on at approximately 5:30 or so when I will stand up to do my lead for an hour. At 5:30 I will begin my hour's speech. I have a lot to say. I hope people watching will tune in. I'll talk about the Student Protection Act at that time.

**Ms Marilyn Mushinski (Scarborough Centre):** I am pleased to join in supporting the positions taken by the great Minister of Education and the member for Simcoe North and the member for Thornhill. I would say to the member from Don Valley that it's, I suppose, a little interesting that he would have such an overwhelming regard for all the children in Ontario. It's too bad there wasn't that kind of support for Bill 118, which was Tony Martin's bill and dealt with the Child and Family Services Amendment Act, 2000. There wasn't even a Liberal member who attended that hearing in Sault Ste Marie. So I find it passing strange that the Liberals would now take such an interest in all the children in Ontario when they didn't even have the courtesy to attend that hearing.

Having said that, I think it's important to specify that situations where a certified teacher in a school has been charged with a sexual offence against a student would have to be reported to the Ontario College of Teachers by the employer. Public schools, independent schools, tutoring companies and other organizations would be required to do this if they employ teachers certified by the Ontario College of Teachers to instruct students. Clearly that was contained within the intent of this bill. I would just ask that everyone support this bill.

**Mr Gerard Kennedy (Parkdale-High Park):** I will shortly, perhaps not in quite the same advance advertising fashion as the member from Trinity-Spadina, have an opportunity in a few minutes to speak more directly, but I want, in the spirit of comments and questions, to note that this is a very serious bill. It deserves the wholehearted support of the members of this House and the parties represented in this House. It does not behoove this bill, I don't believe, to hear the bragging on the opposite side about other issues relating to children. This is the government that has reduced the conditions affecting poor children such that more children at food banks go hungry now than when they came into power. This is the government that reduced the amount of money for children's aid five out of the six years it was in office, until last year, when it finally responded to the paucity of resources that were available to children. This is the government that has removed pre-natal nutrition allowances for the most desperate of young mothers trying to provide a healthy birth for their expected baby. This government did away with that.

This government wants to bring in extraneous issues, or issues that are not related to the direct subject at hand, but it does so at its peril. I don't think there's anybody in Ontario today even paying passing attention who believes that children have been central to this government's agenda. For example, the \$114 million the par-

liamentary assistant mentioned for Early Years—this government has the audacity to allocate it on a riding basis, on a political basis, and to hire people who are political to run these early childhood centres. Every single penny of that is from the federal government. Concern for children for this government has meant, in many other areas, simply cutting cheques with money provided and funded by the senior level of government, abdicating a reasonable responsibility.

I look forward and enjoy the opportunity, in the sense of the very serious matter at hand, but this government cannot stand as anything but exposed for its lack of real interest in the well-being of children on a generalized basis.

**The Acting Speaker:** The Minister of Education has two minutes to respond.

**Hon Mrs Ecker:** I'd like to thank the honourable members for their comments and my colleague from the third party for his support for this legislation. I understand there may well be recommendations as to how to improve it coming from both parties.

I would like to just say in response to our critic from the official opposition that the kinds of funding improvements that were talked about here in this House had something to do with the children's aid societies. My colleague the Honourable John Baird, Minister of Community and Social Services, has significantly increased money for children's aid societies—increases they have never, ever seen before.

**Mr Kennedy:** After you cut them, Minister.

**Hon Mrs Ecker:** No. They have got more money, more staff and more training than they ever had under any government. In 1995—

**Mr Kennedy:** Years of cuts.

**Hon Mrs Ecker:** The honourable member is talking about years of cuts; he can talk about his government's record of cutting them. But what our government has done is not only change the legislation to make it better protect our kids, but has increased funding, increased training and increased staff—very, very important initiatives, I think.

Secondly, this legislation proposes to cover certified teachers, teachers who have the qualifications to be certified according to the College of Teachers. It also covers employers' obligations for temporary teachers who may or may not have that certification. The Child and Family Services Act also puts significant obligations on everyone in every setting to have tough rules to protect, to report children who may or may not be abused.

I appreciate the honourable member's point about independent schools. As he well knows, the government has just finished a consultation process to look at an appropriate accountability structure and an appropriate accountability framework for independent schools. I think that's a very, very important question. But this legislation is very specifically targeted to those individuals who come under the College of Teachers' obligations and responsibilities.

1620

**The Acting Speaker:** Further debate?

**Mr Kennedy:** I'm happy to rise and add my comment to this important debate. I will also be sharing my time with our members from Windsor, Scarborough and Prince Edward-Hastings.

Ontario Liberals agree with any measures that will ensure real protection for students from sexual abuse, and we will support this bill. This bill is essential. It is, in most aspects, directly from the Robins report that was put forward in approximately April 2000. It was considered by and the subject of a report from the College of Teachers on March 28 of this year. The government has had since that time to contemplate this. What they have brought forward to us is, again, a necessary bill but also a slight bill. There is very little put forward. We have heard already from the government, in anticipation perhaps of that outlook, that this is a complex matter. We agree it is. There are a number of measures required to constitute a framework of protection, and that is true as well.

But I think the essential thing for the people watching this debate to appreciate is that this is this Legislature's opportunity to respond to the Robins report, to look at an avenue of provincial oversight in a way that has been studied by a person of probity, to look at a report that has been widely accepted, to deal with an issue we need to put in context here in this House, to be responsible. We need to understand that this deals with a very small number of cases. As Mr Justice Robins reaffirmed, he heard nothing in his investigation of the very real threat to children that he was looking into to say that there was an enhanced or enlarged risk. But there was a requirement to bring forward a legislative remedy to some of the problems he did find.

In fact, to put it in context, in the four years the College of Teachers has existed, they have had 42 complaints of sexual abuse or sexual harassment that they're now considering. That's 42 out of 170,000 teachers, and that's 42 based on a backlog of cases that have already been dealt with as well in the criminal courts. So we're dealing with a very rare occurrence, at least as far as the systems we now have in place. We're also dealing with a situation which, sadly, because of real-life experiences, tragedies and traumas on the part of children in this province, has been brought to public light, has been dealt with by at least a large number of the agencies that are engaged in the protection of children, including the school boards, the College of Teachers and the Ontario Teachers' Federation. There are measures there that add up to, we would like to believe, the beginnings, if not a substantive part, of the protections we need to have.

The legislation we have in front of us today does contain some additions to that, but it also contains omissions. It is missing a number of the things that Justice Robins said were the responsibility of this government. So we would hope to hear from this government, if not here today—it wasn't in the opening address—from other members of this government, exactly how it is that they would respond to Justice Robins on some other sub-

stantial and weighty recommendations that are supposed to be part of this House's response to our requirements.

We don't believe this bill goes far enough to provide real protection for students. Similarly, perhaps, and unfortunately—it could be separate and distinct from the general swim of some of the legislation that has been put in front of this House on education matters, but because it involves the protection of children, we would like to believe it could avoid a similar fate. Education measures in this House have been almost uniformly incomplete and hollow, a number of them have had to be retracted, some of them have had to be repealed—the government's moves on extracurricular activities and so forth. We would like to believe this would be different.

But when we look at the legislation itself, we find there are some very troubling missing aspects. There are elements in this legislation that respond directly to Justice Robins and there are elements that are missing completely. I would say very specifically that the government has had an opportunity here to do what Justice Robins said is the most important aspect. In fact, if you look at his interpretation of his charge, Justice Robins says in his report of 101 recommendations, of which this legislation deals with perhaps two or three, that his mandate requires him "to make recommendations regarding policies, protocols and procedures to effectively identify and prevent"—identify and prevent, his emphasis—"sexual misconduct. Preventing sexual misconduct—stopping it before it occurs—is the best way to protect our students and the school environment."

I say that at the beginning of my remarks to emphasize that we agree with what the government has troubled itself to put together here. We agree that these particular measures of closing loopholes, of being more directive around the ability of school boards and the College of Teachers to report between one another, to ensure, in fact, that no predatory person goes unnoticed or finds the technical means not to be detected—there is some of that directly from Justice Robins's report.

But what isn't here are any measures to do with prevention. The problem part of that for the members of this House is that Justice Robins identified several initiatives to deal with the prevention of sexual abuse in schools which are the responsibility of the government of Ontario. Therefore, we have to ask the question, as part of this discussion and this debate, why is it that the government of Ontario has not seen fit to make those measures part and parcel of their response today? Why has the government taken such a minimalist approach to this particular issue? We hope it would not be because the government isn't prepared to play its full part in ensuring that there is an adequate response to the threat that may exist in our schools for our children.

We say again that there is a need. One of our members, the member from Don Valley East, has already expressed that there are approximately 50,000 children in this province—half of the children in independent schools—who are not in classrooms taught by certified teachers. We have yet to hear the Minister of Education



bring forward any reason that this bill does not see fit to extend protection to them. Those children are not warranted the same protection.

What we seem to be facing here is an ideologically driven double standard. This government cannot get its act together when it comes to public education, simply because it has within its caucus—perhaps the minister herself, perhaps other entities, the Minister of Finance is often suggested—people who cannot see fit to put ideology aside and in this case put the interests of children first.

The premise of this bill is that schoolteachers have a special trust relationship and this government has a role to observe that with extra protections, beyond the protections that are available. Doesn't it follow then that if these measures are required, and the bill in front of us is proof itself, that they should not extend to every classroom in this province? We have already seen the troubles, the significant problems, the fraud allegations and the other implications that have come from unregulated education in this province in some of the independent schools.

**Hon Mrs Ecker:** The Sault Ste Marie case was a regulated teacher, Gerard.

**Mr Kennedy:** The minister across shouts that it was in Sault Ste Marie. I would say, to give respect to the students in Sault Ste Marie who suffered sexual abuse, in whatever system, that we would in fact ensure that we responded in full to the Robins report, and further, that we did not exclude any students based on some technical or ideological exclusion.

We have an opportunity here in this House to remedy this matter, and I ask the Minister of Education to be open to the idea of amendments that would in fact include all students in this province. We have in the legislative course of events only so many opportunities to address a subject, and I would say to the members opposite, this is an opportunity that we need to take advantage of.

We may be in a reasonable position to provide the direction and guidance that can come from this House, because I don't think there is any illusion on the part of the people in this House that we can push a button and suddenly, dramatically or in any automatic fashion, things will get better for people in the real world. The people who were traumatized, who lived altered lives, damaged lives in most respects, because of the singular case investigated by Justice Robins, are reminding us that we need, once alerted, to take advantage of this. This is a shadowy part of human existence, the idea of people who would abuse and otherwise take advantage of extremely vulnerable people.

The language used by the College of Teachers, the language used by virtually all persons associated with this is that there is no doubt in this case that teachers in this province bear a special obligation. I repeat again that the teachers in this province, not just a majority, in the language used by some in this House, but virtually all teachers in this province are up to that special respon-

sibility. But for those who aren't, for any who aren't, for any we would sanction putting in front of the classroom, we need to act and be sure that they have the full sanction that we can provide. I believe that it is inevitable, for us to have any integrity in moving forward here, that there cannot be exceptions to that from an ideological basis or from a basis of hesitancy because the government doesn't have its political perspective together. We certainly would put forward that that kind of confusion cannot be used as an excuse not to provide for the children who are currently in independent schools.

I would specifically remind the people of Ontario that we are already in a school term. Before it is over, the government will be providing money, public funds, for private schooling. They will in fact pay people to put their kids into private schools, the very same private schools for whom this bill has no requirement for protection if there's not a certified teacher in front of the classroom specifically because there are no requirements for private schools in this province. We heard from the minister opposite we should wait. I say we should not. These are matters of ethics; these are matters of some urgency. I think I reflect accurately that what Justice Robins put forward as a task for this House was a level of urgency, that we need to address that when we have this opportunity. We have in front of us the government's best effort, and I say to the government, we accept this effort as useful, yet we implore this government to improve upon it.

1630

We would say further that the government had identified for it in several very specific instances ways and means by which it can be part of a substantial solution. What we have in front of us in fact are what some might regard as housekeeping legislative amendments that would give greater certainty, as the legal terminology goes, to the processes that are out there. It says that you've got an obligation, if you're a school board and a teacher has been convicted or charged with sexual offences, to report that to the College of Teachers. It removes any ambiguity. There have been other requirements for that. Last spring, the Minister of Education sent out an advisory or a directive to that same effect. We're giving legal effect to something that by and large already exists. It would be helpful if the minister would tell us if that was otherwise.

In addition, in the Robins report there is that emphasis on prevention. That emphasis on prevention is not willy-nilly; it is very specific. It enjoins the people of this House in several places, where it says the government of Ontario shall bear the responsibility. For example, in recommendation 47.3 it says, "The government of Ontario should bear the responsibility to provide the resources for an education program between children's aid and teachers across the province to make sure that they can work together in the interests of children." It says that in recommendation 47.3.

It also says in recommendations 52 to 55—the education and training of current and prospective teachers,

and on page 302, teachers, volunteers and other board staff, education and training of students and parents—that each and every one of those recommendations should be borne by resources and programs provided by the Ministry of Education.

We further see here a requirement for resources at the board level, the employer level, where this first comes to light, to adequately investigate allegations, to provide support and counselling and therapists and so forth who will be there. We hear from the minister opposite that they believe that has been done. It is not a statutory part of this bill. I would say, if that is done in anything but a direct fashion, given the state of education finances in this province, we are not in this House doing what we need to do to ensure that this in fact takes place at the only level that matters, not in our debate here today but in the actual lives of children who could be affected.

We find in the Robins report 101 recommendations, only a handful of which we have addressed in the legislation here. To be fair, a large number of those recommendations are directed at school boards and at other actors that are recognizably part of any solution. But there are specific resource allocations that are supposed to come from the government of Ontario and from the Ministry of Education. It would be irresponsible for us if we did not provide the basis for them.

The other thing that Justice Robins asked of the government of Ontario was to ensure some level of screening for other people who are in trust positions and that those standards and the ability to have those standards be provided, that it be a resource that comes from the strength that we have in public education, at least what ought to be our strength, and that is that we have a centre to the system, we have a standard-making authority, and it happens to be far more true today than ever in the past. This particular room, this chamber in this Legislature sets standards for across the system. But I think we would automatically call to mind any number of instances where it's true that we can set standards, and if we're not prepared to provide the resources for those standards to be lived out, they're simply not going to be. That is the issue that Justice Robins has identified and which isn't part of this legislation: the programs about prevention and the resources to make sure that those programs can be carried out, because then I would turn to an element of this that is not *ipso facto* a resource requirement; it's not about the dollars. It's about the willingness and the commitment and the approach of a government that is very serious and intent about getting the results that this bill in front of us implies.

We don't have this bill here for housekeeping. We don't have it, as some of the members opposite have already tried to use it, as some kind of public relations thing, some kind of bragging rights. There are no bragging rights when it comes to child abuse. There was an implication in fact, from the member opposite, of surprise, which I think quite frankly was a little beneath the member for Scarborough Centre, who I don't think, if she reflected on it, would want to associate herself with

saying that there's any party in this House that isn't serious about sexual abuse. This isn't about bragging rights; instead, it's about considering something that has been hidden in the shadows and which we still seem unable to bring into the light of day in this House. Because what would be required in a fully sincere effort on the part of this government would be to form a partnership, a reasonable partnership, with all of the actors in the system to ensure that every recommendation in the Robins report was carried out.

There is no enemy here except that part that exists in the shadows and that twisted part of human nature that we are encountering from time to time. Therefore, there should be no implication arising from this House either that we are dragging anyone into these particular modes of behaviour. Instead, what is extremely possible, highly desirable—and if we don't take the opportunity, we are again missing a substantive chance—is to bring the teachers and the student associations and the school boards and the other education workers on board to make sure that we implement the education programs, that we implement the understanding that there needs to be about what constitutes, as this bill talks to, sexual misconduct, not just sexual abuse but also sexual harassment and the kinds of things that can create substantive problems that may not be well recognized by the people who are in these trusted positions; or if they are, they may not be fully cognizant of the new ways in which they are expected to act.

Again, I think the sincerity of the bill—and I want to separate that question of sincerity from the intent of the government—I accept the bill on its face as something that could be helpful, but I think for us to really do honour to the people who have already been victimized by sexual abuse at any level in this province—this is just a specific, as I said at the beginning, small area, a small number of professionals who have been in that position of trust and abused it. But we have an opportunity to make that an even smaller number. We have an opportunity, standing in this House today and in the hours that come in this debate, to actually ensure that some children in future days do not go through what the children who were abused in Sault Ste Marie, who occasioned the report, who have brought us to this legislation, went through.

There is only one means by which to do that, and that is a full-fledged outlook on this, not just a piece of legislation. Legislation without resources, legislation without a means of mobilizing people in the system will not succeed, and we will have missed this significant opportunity. The idea of not succeeding is not simply another ineffective possibility; there is a higher moral responsibility for us in this particular regard.

There is not a higher standard, I don't think, we should aspire to than in this particular instance. If there's anything about Justice Robins's report that is particularly compelling, it is just how pernicious this can be unless we make it something that comes out of the corners where sometimes very uncomfortable things are put.



This bill, with all respect, by demanding that people report, by having the sanction of \$25,000 fines to school boards that don't report, probably facilitates an administrative response that we, again, believe is there, and it will maybe guarantee at some level that there won't be any slip-ups and so forth, but it doesn't reach the root of this problem, which is making sure that there is an enlarged responsibility undertaken by everybody who's in a position.

I will mention, at the end of my time, that there is an environment out there that we have to take account of; it's an environment where, according to People for Education, there are fewer school principals in our elementary schools, fewer secretaries in the offices, more schools with no one in the front office, more schools with archaic designs that aren't able to properly monitor all of their kids all of the time.

We have to say at the very least—if we can bring it to its least partisan interpretation, with \$1,200 on average in a board like Ottawa-Carleton, \$900 less per student on average across the province—there is less of a likelihood that the school boards out there can, by themselves, respond to these recommendations in the fulsome way that Justice Robins and the people who were affected by this in the past—and sadly, even those currently—absolutely require from us.

We accept Bill 101 as a start. We, though, would challenge this government to do the full, complete job. We would ask this government not to see this as any kind of a propaganda vehicle, but rather, instead, as a roll-up-your-sleeves kind of opportunity for us to make sure that all of the Robins report is implemented, that we reach out to the people in this province who have the trust of the children to ask them to be part of this solution, and that this does not come across as yet one more sanction or law coming from on high from this room, because we have had too much of that. The safety and well-being of children deserves better.

1640

**Mr Dwight Duncan (Windsor-St Clair):** I'm pleased to join the debate on Bill 101, a very serious bill that I would expect all members of the House to support. I support the bill myself. I want to take an opportunity to address some of the issues I believe should be addressed. Speaking as the House leader of the official opposition, it's my hope this bill will find its way to committee to allow a committee of this Legislature to review the provisions of the bill and to make recommendations to the government that will hopefully improve the bill. I think every member of this House is genuine in their interest in this legislation and in their desire to protect children from sexual abuse, particularly in their schools.

I want to begin my commentary by saying, first of all, that this bill is important, that we do need it, but we all know, and I know all members of the House and the Minister of Education would readily acknowledge, that the vast, vast majority of our teachers are upstanding citizens who contribute enormously, not only to our children in the classroom but to our communities and to

our society. It's important, however, that all of us support this bill, recognizing what Justice Robins said in his recommendations on protecting our students that were published in the year 2000.

There are three areas I would like to talk about. I want to talk about the consensus that has emerged to this point on this bill. I'd like to talk about some areas I believe are incomplete in the bill, about the issue of prevention, which our education critic spoke about at some length, and then finally talk about the next steps that must come in the government's budget priorities to ensure this happens.

I think it's important for my constituents and the people watching to know that both the Elementary Teachers' Federation and the Ontario Secondary School Teachers' Federation are officially supporting this bill in principle. The Ontario Public School Boards' Association has also acknowledged this bill. I think that's an important piece of information for members in this House as we debate and consider the bill, but moreover for the public to understand as well. All of us—teachers, teachers' professions, the Ontario College of Teachers, the public school boards, the trustees—are interested in working together to deal with this scourge and ensure that the situation that happened in Sault Ste Marie never happens again.

There are some concerns among those people about confidentiality and the issue of false allegations against teachers. I think the government understands those concerns and has recognized that largely in this bill. I don't believe it's the government's intention to set up a system that could allow an unfair witch hunt or false allegations to persist. I believe the government and future governments and school boards, in implementing this, will be cognizant of those realities. Second, we have the entire criminal justice system as a protection as well.

There are some things, in our view, that we need to discuss as a Legislature, and that's why my hope is the government will welcome the opportunity to take this bill to hearings and clause-by-clause consideration.

First, there is the question of private schools. I recognize, and the minister has said, that the teachers there are not members of the college. Second, the regulation with respect to those publicly funded schools still has not been published or promulgated. It is an important issue. Any bill that applies to our public schools ought to apply to private schools, particularly in the climate where the government has extended the tax credit to or indirectly funded those private schools, something we fundamentally disagreed with, but we must apply these premises and these ideas to those schools and to those teachers and students.

The provision should also be extended to uncertified teachers and to education workers and others in the school system. I think the comment has been properly made—I know in the Windsor public and the Windsor Catholic school boards we see we have fewer teachers, fewer principals, fewer nurses, fewer librarians and so on in the schools. In our discussions at committee and in

clause-by-clause it's our hope that the government can address those issues and that amendments can be brought to this bill that will provide the protections of this bill across all those people who are in positions of trust with our children, whether our children are in public or private schools, and whether the position of trust is that of a teacher or an educational assistant or a professional of some other sort not directly involved in the teaching of students.

We have recent examples, unfortunately, of these sorts of allegations arising in private schools. I had a chance to review the Education Act and the regulations under the Education Act during our debates on extending the tax credit to private schools. The regulations are largely silent with respect to private schools. It's our view that when the government finally promulgates regulations with respect to the funding of private schools, these sorts of issues need to be dealt with as well. I spoke about the need to cover those in schools who are in positions of trust with our children who are not necessarily front-line teachers.

I want to take a moment to discuss prevention. When I read Justice Robins's report it was very clear that report focused a good deal on prevention, on the issues of dealing with the prevention of sexual misconduct in our schools. We believe amendments should be brought forward. More discussion should involve how we prevent individuals from getting into positions of trust in our schools, whether or not they are teachers or are, broadly speaking, part of the education system or in positions of trust in another way—volunteers, for instance, and support staff. We need to define those; we need to cover them. We need to take the sorts of steps Mr Justice Robins recommended in his report of a year ago on the prevention side as well. Failure to do so, in my view and I think in the view of the Ontario Liberal caucus, would weaken the bill substantially, although, as I say, we would support the bill with or without those amendments. But that is our hope, and we will be asking for an opportunity to amend the bill with respect to those issues.

In the remaining time I have I want to talk about the financial resources to implement this bill. For the government to fulfill what it sets out to do in this bill, there will have to be an investment of public funds in our public schools in order to do it.

Bill 101 involves education training on what constitutes sexual misconduct and how it can be identified and prevented, ensuring, so far as possible, that sexual perpetrators do not enter the profession and that, when discovered, they are not permitted to continue to teach or move from school to school. That's in the bill itself.

We need a policy commitment from the government beyond this legislation toward some of the strategies that are recommended in Mr Justice Robins's report, specifically with respect to prospective teachers, current teachers, volunteers, other school board staff, other students and parents, and adequate resources must be available to conduct investigations into allegations, counselling support and other things.

In conclusion, we support this bill. I will vote in favour of this bill on second reading. It is my hope the government will allow the bill to go to committee for a day of hearings, or days of hearings, depending on how many delegations we get. It's my hope that we will have the opportunity to do clause-by-clause consideration of the bill and that the government will entertain what I would term friendly amendments, amendments that are designed to do what we believe would improve the bill. I suspect there may be consensus among government members and opposition members in some of those areas, and I look forward to us having that opportunity.

1650

**Mr Ernie Parsons (Prince Edward-Hastings):** I too am very pleased to rise and speak to this bill. I don't say it often, but I commend the government for bringing this bill forward. It has the potential to make a better life for our young people.

The problem that has been mentioned by speakers prior to us is that it simply doesn't go far enough. Probably the most glaring, so glaring I cannot understand it being omitted, is independent schools. I cannot understand the government having greater concern for students who attend the public or separate school system than they do for independent schools. Students are students, children are children, and there is simply no rationale that can be presented to me that would cause the government to even think about not putting it in. But it's not in. Hopefully pressure from parents of students in private schools, hopefully pressure from teachers and administration in private schools will cause it to go in, because every child in Ontario deserves exactly the same protection.

The bill focuses very clearly on teachers. There is a wide range of individuals who students are in contact with during their school experience. There could be people in the classroom all day who are not teachers, such as interpreters for the deaf. Educational assistants certainly are present, and custodians and secretaries. Students, particularly in rural areas with the decline in funding for buses, are spending longer times on buses every day, so there is the issue of bus drivers. Volunteers are in our schools, many of them on a regular basis, and thank goodness for them. Students have contact every day with a wide range of people in the school system besides the teachers, but we're seeing the focus put on teachers by this.

As a bit of an aside, we are blessed in Ontario to have so many volunteers. The board I was a member of, in conjunction I think with other boards, started to require volunteers to get a police check, a reasonable request that volunteers were quite happy with. Here we have volunteers prepared to give of their time each and every day and they are required to pay \$10 to \$25 for a police check so that they can come and do something good for the province. Surely the minister, when she is dealing with items that would improve schools, would consider absorbing the cost or finding a way to waive the cost for volunteers who want to assist in our system.



Of equal interest to this government should be daycare centres, to ensure that there's a mechanism in place there to require reporting of any possible abuse of the children.

In a way, though, this bill continues this government's direction of presenting teachers as problems, and the inference when this bill was brought forward was that teachers are predators. In my experience with school boards and with children's aid, for far too many children school is the safest place they will be all day. They are not at risk. It is a place of refuge. If we look at the number of children in care in this province—I think it's fair to say that the children's aid societies simply can't be made aware of each and every abuse—for those children, when they were suffering the abuse, the school was the one safe place they could be during the day.

Much as we may see the media focus attention—I should perhaps say that movies and television focus attention on predators who prey on our children—the sad reality is that in far too many cases the parents or the extended family are the abusers, and the school provides the relief and in many cases provides the detection. Many of the allegations that come to the CAS regarding abuse come from teachers in the school system. They have saved children from a life of abuse, rather than being focused on.

However, the bill is still worthwhile. We simply need to recognize that we need to do much more for our children.

We also need to protect our teachers from false allegations. In my experience as board chair, we certainly didn't have it on a weekly or monthly basis, but from time to time we would have allegations and accusations made against our teachers. Sometimes they were substantiated; sometimes there was absolutely no truth to them. I can think of an instance where a judge indicated that this teacher was not guilty, not because the evidence wasn't overwhelming but because every piece of evidence indicated it did not happen. For that teacher, for any teacher who is unjustly accused, all too often their photograph appears on the front page of the paper and is the lead item on the TV news. Unfortunately, when the judge finds that there is no evidence of guilt, it is a very minor item, if an item at all.

I think there should be an obligation on the part of this government, as it wants to prosecute teachers who are guilty, to put in place a mechanism to protect teachers who are not guilty and reimburse them for legal bills and look at other measures that would help to restore their good name in the community.

I should also mention that in all of my 17 years on the school board working with federations, when they became aware of a teacher they believed was guilty of improper actions, the federations were extremely co-operative and displayed a wonderful sense of professionalism in that they did not want this individual to continue to be exposed to children either. I appreciated the professionalism they brought to each of these cases.

I wish, though, that we had the same concern for children in other respects. When a child is being sexually

abused, that is just an indescribably evil act. At the same time, a child who does not have food is also being abused, perhaps by the parents, perhaps by society.

I can recall a time when within the Hastings and Prince Edward District School Board we had no breakfast clubs because children weren't coming to school demonstrating hunger. That system now has 37 schools giving children food in the morning. No doubt some kids are coming who really don't need the food, but there are significant numbers who come because they have not had breakfast at home and perhaps no dinner the night before. That should be of grave concern to us as a province and to this government.

Children coming from a home where there's unemployment are experiencing stresses that make learning extremely difficult. Substandard housing: when this government made the decision to reduce the amount of payments under welfare at that time, we watched an exodus of children from social housing in one area to substandard housing out in the rural area where the rent was lower. Granted, they had no transportation, granted, the houses may not have been insulated properly, but they were forced into it. I know the numbers. The statistics say that while they have moved welfare payments down to the national average, the reality is that in Ontario the cost of living is substantially more than in most other provinces. While it is easy to bash people on welfare, we need to remember that half the citizens of Ontario who receive this welfare money are children. They are children, and for them that money represented food, clothing and shelter. We've seen an attack on the lower-income children of this province rather than support for them.

I had a mother call and describe to me over the phone the timetable for her son's textbook. There were so few textbooks that each parent, after the child brought the textbook home on a Friday night to work from it, the parent would have to drive it to another home for use on Saturday, and that parent would drive it to another home so that the student there could use it on Sunday. If we want our children to be in a safe environment that is a learning environment, then we need to give them all the instruments, tools and assistance they need for learning. Surely textbooks have to be right at the top of the list, but we're not seeing that commitment.

There also needs to be money spent for an education component. We've had no sense of the resources that will be made available for this, but a child who is being molested in school is in all likelihood not going to jump up the next day or the next hour and indicate that there is a problem.

Children we fostered who have been victims of sexual abuse didn't want to talk about it. They will not easily share it. They won't talk to people in authority. In all likelihood they won't even talk to other students. However, they will consistently display behaviours that very clearly should be a clue to trained individuals—and the key is to trained individuals—that there is a problem in that child's life. It certainly doesn't identify whether the

problem is at home, out on the street or at school. I believe that teachers need improved assistance toward being able to recognize the signs that indicate that this child is possibly being sexually molested, and we need to then step in and intervene in that.

The same thing goes for staff. No matter whether they're educational assistants, custodians or whatever, they need to be given some assistance in identifying problems. Students need to know what is appropriate. It's very obvious for a student who's in grade 9, 10 or 11 what is appropriate touching and what isn't, but students who are in kindergarten or grade 1 may not recognize what's appropriate. They may be used to a certain behaviour at home that is quite acceptable there but is clearly unacceptable from a stranger or from a person in authority. Our curriculum needs to include some training for students as to what is, for lack of a better word, good touching and what is bad touching. That requires some money; that requires training; that requires modifications to curriculum.

1700

The other obstacle that I briefly referred to earlier, and I think there are people wiser than me who know how, is that we need to be able to help our young people to be able to talk about it. My wife and I took a foster parent training course one day on working with children who had been sexually abused. One of the first things they did was that they paired my wife and me up with a total stranger each and then asked us to describe a sexual-type act to that stranger. My reaction was, and I said it to the instructor, "I can't do that. I simply can't do that. I can't use those words. I'm not comfortable with it. It's not appropriate. I can't talk about that with this person I've never met before. I think I'm going to go home. I think I don't want to take this course, because I can't talk about what you want me to talk about." She said, "I knew that. I knew you wouldn't be able to talk about it."

Yet we expect children, if we ask them what happened, to use words that they know are considered inappropriate or bad words and describe an act that they find horrible. She said, "You cannot expect children to talk about something that you were not prepared to talk about." I had never thought about it that way. We were prone to saying to a child, "OK, what happened to you at home?" We would get no answer. We found that in order to get a response out children, you need to not ask the question but you need to establish a comfort level with them. You need that child to feel absolutely and totally relaxed with you, comfortable enough to share a problem. That doesn't happen in a day, a week or a month; it happens in three, four or five months, after you've gotten to be on a friendly level with the child.

What we are seeing in our schools is teachers having fewer and fewer minutes to devote to sitting down and talking to a child. We are seeing it at the secondary level. We are seeing teachers teaching more minutes per day and having fewer minutes to sit down and do counselling. We've certainly seen pressures put on them, with all of the new curriculum, that they're not able to do sports.

And yet, I would suggest to you, a lot of times when a student is comfortable enough to talk to a teacher, it may be a coach, it may be a club leader, it may be the teacher they're seeing outside the class environment and they're able to establish the friendship and at that stage disclose what is happening to them. I believe that the increased teaching minutes that we are requiring of every teacher are not only hurting some of the curriculum, with less time to work on co-op placements, less time to do extra activities, but are in fact reducing the young person's ability to interact.

One thing that has become blatantly obvious to me is that schools themselves are prime targets for someone who is a pedophile. For years we had gatekeepers to keep these individuals out of schools. You could not walk into a school without encountering a custodian. Every school had a custodian somewhere in the building. If someone came in the side door or the back door of the school, the odds were pretty high that the first contact they would make, if classes were continuing, was with a custodian. That custodian's role, though it probably wasn't in the job description, was to keep intruders out of the school.

If they came in the front door, they would encounter a secretary. As cuts came for the financing—and the financing itself doesn't make sense, in that if you have a school with 400 students, it has twice the right to a secretary as a school with 200 students. Where the secretary and the custodian are funded on a per pupil basis, the smaller schools, even though they may be great schools, are told, "You're only entitled to a part-time custodian or you're entitled to a part-time secretary or you're entitled to a part-time principal."

Schools reacted to the changing society, with people coming in the side doors, by locking them, by going into a bit of a fortress mode. But at least the front door was open and parents and the public could come in there. They knew that when they got inside that front door, virtually all schools are arranged so that there's a secretary there who will greet them and in a subtle way inquire what they want in the building. There are now hundreds of schools in this province that do not have a secretary at that front door. I would suggest to you that it is not uncommon, if you went to one of the smaller rural schools, to find there is no secretary in the building for much of the day, there is no custodian in the building for much of the day, maybe none of the day, or maybe they come before and then the contract one comes after, or that there may or may not be a principal, because the principals are being twinned, and principals are now being required to teach perhaps 60% or 75% of the time. So it is possible to go into a school and get into the hallways with no one in that school being aware that they have an intruder. If you are concerned about children, you could be concerned about that stranger coming in the hallways. There have been incidents where very undesirable individuals have gone into the school, gone into a washroom, waited for a child and molested a child. There is no longer the gatekeeper there to keep intruders out. Children, if this government really believes they are a



number one resource, deserve protection from people who come into that school with the wrong desires and the wrong motives.

So the reduction in the funding, the change to having absolutely no base in the funding but simply per pupil, severely impacts rural schools, small rural schools particularly, that are now second-class citizens in terms of protection from intruders and from people who would molest them.

The last thing that I think the government needs to do in addition to this bill, if they truly, truly care about children—a child who has been molested has had their life altered by that molestation. That child has learned something they should not have had to learn and they cannot forget. That child has had an experience that will affect their school life, will affect their home life, will affect their interaction with other students, will affect everything they do from that point on for the rest of their entire life.

There are mechanisms to deal with it. The sad reality is that mental health services for children are almost non-existent in rural communities in this province. When you get into rural Ontario, there is not one anywhere close. I know that all too often, when we wish to access mental health services for a child, we're told six months, eight months, a year's waiting list before they can first be seen. So that child who has been molested by anyone of any group of individuals we've been talking about today will have a one-year wait before they can first start counselling. The damage is done, and then the damage is reinforced and reinforced. Clearly, this government needs to direct some resources into that area.

As I said at the beginning, I commend the government on this bill, but they need to view it as an excellent start. All too often, this minister believes that once you talk about a problem, it's solved. No. This talking about it is to recognize that the problem is there, perhaps not in huge numbers, but a problem with one child is a problem we need to deal with. But that is only a start. I certainly will be supporting the bill, but I hope that at the clause-by-clause review in committee there will be an opportunity to make this bill into an even better bill.

1710

**Mr Alvin Curling (Scarborough-Rouge River):** I want to say how much I appreciate being able to comment on this Bill 101. I think it's an extremely important piece of legislation. I also want to commend the government for bringing this forward and acting upon the Sydney Robins report, although the recommendations were much more extensive than what has been presented today. But, as the Minister said, she's sending a message to the violators. I don't think she's sending a message to all the violators in the system. I think it's been too selective and too narrow. However, it's a start. We want to commend that approach and we will be forever seen to protect all students. I am sure my colleagues have mentioned the fact that teachers have supported this, but only a selected number of teachers who are assigned to

the teachers' federation. Those within the private schools have no obligations to follow this procedure.

What my concern is, really, and I think my colleague just touched upon this, is that a teacher 20 years ago and a teacher now are completely different individuals. The teacher is called upon to do many things, not only to interact from the blackboard to the student and back to the blackboard as instructional, but to understand the entire student. To begin with, we are in a society that is so diverse that to understand the nature and the history and the culture of that individual is extremely important. However, what I am getting at is that the demands that are placed on teachers are enormous. Some of the signals that could be read by the teacher are lost because that teacher is then restricted to do so many things.

However, here we are now; the battle that went on within the education system between teachers and the minister did not really put us in any great light. As a matter of fact, Mr Speaker—you're quite aware of that and I think you would agree with me—many teachers are almost not encouraged any more to be teachers. They care so much for the students, but the fact is that the animosity that went on between the minister and teachers was not healthy.

I just want to say too that when Sydney Robins brought his report out, it was quite extensive. I think if the minister had wanted to make sure that they are all protected, all the recommendations would be addressed. Here is an opportunity for her to address all those concerns. What has happened? They were quite selective.

I think many of the private schools would feel left out. We know the battle that went on about the government encouraging private schools to be established. We would feel then that if we encourage the establishment of private schools, we should give students who will be attending there protection. But what we are seeing here is that that is not done. It could easily be done now, but it becomes more difficult when we try to make a law that will cover those private schools and the misconduct of teachers in regard to sexual harassment etc in private institutions. I can't understand, and I presume the minister during this debate will be able to explain to us, why she would exclude that.

We are the ones who make the laws. We are lawmakers. We make the laws of this province. When we exclude people from that, what is happening is that we have this awkward situation that people don't interact very well in our society. Laws must be made, as we know, for the people and by the people. Sooner or later, when all these discrepancies and misconducts are happening, we realize that we can hardly address these cases because today, when we have the opportunity to include this in our legislation, this is being excluded from it. Maybe the minister will be able to explain it, or, without explaining that, maybe she will make amendments to this legislation and add private schools and those teachers who are not associated with the Ontario Secondary School Teachers' Federation or the elementary teachers' federation.

I applaud the teachers' federations that have decided to support this, and I understand why, because they have this deep commitment to our children and to our students. But again, I can't understand why the minister would exclude the private schools. It's not fair, and we have seen too many incidents over the years. We know very much of the case of Ken DeLuca and what went on for 20 years without it even being noticed. Look how long it took to bring that to justice. So I could say that anything developed in a private school could go the same way, because we have no monitoring of that. There's not a commitment to private schools to support that, and I think that is a gross negligence on the part of the minister.

We have a good system here and we are moving also to a good system of education, good teachers, the other sorts of changes that you're putting forward. I really applaud those teachers in this very complex and challenging society. In the classroom, as I said when I started my comments, compared to the teacher 20 years ago, the teacher today has before him or her students from different cultural backgrounds, different orientations. Therefore it takes more time for understanding and more time to understand what are the pressures faced by those individual students. But again, the demand placed on teachers by this government sometimes clouds the aspect of how we can deal with those students and their problems.

Bringing a law in just to say we have done something without covering all the aspects that need to be addressed leaves a lot to be desired. We of course in the Liberal Party will endorse this and will support this legislation. It's a start. It's unfortunate that we have to keep on saying, "It's a start." We want complete legislation that covers everyone, and we hope that before—because this is the early stage of the debate—the time is through, for it to have royal assent, the minister will see the light and decide to expand this in some respect and take into consideration those private institutions and teachers who are not a part of the federation.

Of course, everyone talks in here that their riding or their constituency is the most diverse of any. I think all across Ontario today we can talk about the diversity in the classroom. However, we in Scarborough, especially Scarborough-Rouge River, need a lot of attention in order to deal with some of the challenges faced by parents, faced by students and faced by teachers. I don't think much is done in this regard. I want to appeal to the Conservative government and appeal to the minister to cool the atmosphere a bit. Let's get some more understanding of who our students are and the challenges that the teachers have in those classrooms.

I know many teachers today who are working 12 hours, very much so, and there is no profession that for a constant 12 hours can do a great job when we're dealing with human beings because, as I've said, it's very sensitive. We're talking about human lives. We are carving a direction for our young people; we're forming them into good citizens. The hurt and pain that can come through

some of the abuses that may happen in that classroom sometimes may never be corrected.

I continue to feel that the government must show much more leadership and much more co-operation with teachers to face those challenges as we go along in our challenging time.

I visit the classroom every Friday, grade 4 to grade 8, to have an interaction about how students are feeling about governments, about life, and bring to them some of the realities of life. I have learned more, getting into that classroom, from those grade 5, grade 7, grade 8, right up, than I would say inside this Parliament. So I would encourage all of us to maybe one day get out into that classroom, interact with those students and interact more with those teachers, so that with the challenges of some of the things they do have, we can make more sensitive and better law than we have today. The laws that we have are inadequate, they're short-sighted, they're limited, and this is one of them; this is very limited. Although we can say we are going in the right direction, we want to say still yet it should be complete, concise and not be exclusive of any of the teachers and students who have maybe interacted and maybe come under pressure of some of the sexual harassment situations that we have here.

**The Acting Speaker:** Comments and questions?

**Mr Marchese:** I just want to say to the public that's watching this debate that from time to time Liberals, New Democrats and Tories agree for the most part. In this case, Liberals and New Democrats agree on this particular bill in terms of what the government is doing and in terms of our criticism of it as well. But by and large we support the bill, and I support the comments made by all of the Liberal members who have spoken.

Many of them touched on issues of prevention and the need to look at what, as governments, we can do to be helpful. There's no doubt the College of Teachers will have a lot to say about prevention. I am certain they are engaged in educational activities that are helping teachers to deal with issues of sexual abuse and prevention, generally speaking. No doubt they're doing it at the moment, and no doubt, once the bill is passed, they will have to think about ways to do more, which may probably involve the government obviously in terms of financing some of that work that is likely to follow once this bill is passed.

On the issue of prevention we are in agreement with the Liberals. And the issue of making sure that this legislation covers everyone who teaches in a system that is either public or private is important to us as opposition members and it ought to be important to the government to find a mechanism to deal with that.

I'll be speaking to that in about eight minutes or so, Speaker, but I want to say that I agree with the Liberals as well in that regard and hope the minister will take these issues into account.

1720

**Mr Doug Galt (Northumberland):** It's certainly a pleasure for me to rise in a two-minute response to the



presentation that's been made by the official opposition and also the comment just made by the member of the third party.

It is great to bring before the House a bill that all parties agree with. Often they go through very quickly because everybody agrees and we get on with other legislation. The public sometimes wonders, "Don't you people ever agree?" I think it's good that we bring bills such as this and carry them forward for some debate, even though all parties are agreeing. It's really unfortunate that it was necessary to bring forward a bill such as this, but it is definitely necessary. Unfortunately, it's necessary.

I guess as a grandfather you're allowed to brag a bit. I've been a grandfather now for four weeks, six days and 16 hours, but who's counting? I also have three daughters, one of whom is a teacher, just promoted as a principal. I'm really concerned, having had three daughters through the system and now a granddaughter who will be coming into the system, when there are these kinds of things happening in our schools. You'd almost hope that it wasn't happening, but in fact apparently it has been.

I think of retired Justice Robins, who has been investigating this and came up with a situation in the Sault Ste Marie school where some 13 students were sexually assaulted over some 21 years. It's very unfortunate. It's great that his 101 recommendations are being seriously looked at by organizations like the Ontario College of Teachers. What a great organization that is that this government brought in. It really brought teaching into a professional category where they now have a self-disciplining body such as the Ontario College of Teachers.

**Mr James J. Bradley (St Catharines):** I listened with a good deal of interest to the comments of the various speakers from the official opposition who were speaking in support of the legislation. As the previous speaker has just mentioned, there are occasions where there is unanimous consent for a particular piece of legislation. That doesn't make news, of course, because we all have people in our constituencies who say, "Don't you people ever agree on anything?" In fact, there is an opportunity from time to time to agree. Even within bills you may find that in principle the opposition may agree with a government bill; they may find something within the legislation that they believe requires correction or modification to make the bill even better.

Certainly I'm encouraged by the fact that I've not heard of any serious opponent of the concept of this bill, of the principle of this bill. The other day I was watching a press conference, or at least a statement being made, by representatives of the teachers' federations indicating their support for the legislation, the school boards' association indicating its support because it is positive legislation.

The one aspect that is lacking is that this does not apply to uncertified teachers in the school system. I happen to think that if you're passing legislation of this kind, which is to be beneficial to students, it should apply to everyone who is in a teaching position in an educational setting, whether it's a public school or a private

school. You can't allow special consideration: an exemption for people in a private school or an exemption for those who are not part of the College of Teachers because they're not appropriately certified as teachers. If the government were to make that change to the bill, it would make it even better and would certainly be acceptable to all concerned in the opposition.

**The Acting Speaker:** Comments and questions? The Chair recognizes the minister from Ottawa.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** Mr Speaker, it's Nepean-Carleton, not Ottawa.

**The Acting Speaker:** My apologies. It's Nepean-Carleton.

**Hon Mr Baird:** As my constituents will know, I'm from Nepean-Carleton, not Ottawa.

I'd like to congratulate the members opposite for their remarks. I appreciate the non-partisan tone of most of what we heard. This is in fact an issue on which we can all come together to ensure that children are protected.

I think protecting and promoting supports and issues that affect children is something that's incredibly important. This issue is just one of the many things this government has done in recent years designed to do just that. Through our Early Years action plan, the third phase of it, we're doubling support to help provide early intervention services to young autistic children, something that wasn't done anywhere in Canada just six years ago. We've been able to increase support for infant development to help parents with a young child, perhaps born with Down's syndrome, realize how they can help that young child realize their full potential, something that's incredibly important. This is an issue on which you don't get a lot of letters from constituents because it affects a very small number of people, but it can be incredibly important to those families to ensure the development of their young child.

Expanding supports to early literacy is something that's important to the Minister of Education, who spoke earlier today. She has done that in the school system and we're doing that for the zero-to-six category, because we know the power of early literacy, not just so the children arrive at school with a readiness to learn when they reach grade 1, but it also helps with the bonding and the relationship they have with their parents. That's something that's important.

The Minister of Education, who spoke earlier, did a lot on the whole area of child welfare and child protection, bringing in tougher standards to help children who have been the victims of sexual abuse, to help children who have been the victims of abuse and neglect. The funding that has flowed from that has done a lot to provide supports to children. This minister's interest in providing effective supports to children isn't new. This bill before us is just another example of her commitment to the children of this province.

**The Acting Speaker:** Further debate?

**Mr Marchese:** I welcome the good citizens of Ontario who are following this political forum. It's 5:30 on Wednesday night, and we're on live. I know that many of you watch this program, because we talk with some of you from time to time. I think it's one of the—not one of the better ways, but at least you get a sense of what it is we do in this assembly. It is good that many of you are participating as watchers, if nothing else because you become engaged by learning about what is presented here by way of a law and through the opinions all three political parties share in the debates.

You good citizens have often heard me talk about the titles of the bills that are presented in this place, and often I have said to you that the titles of the bills introduced by Conservative governments often belie their true contents. I've said that, and by and large that is the case with almost every bill that is introduced by this government.

Just to give you a couple of examples so that you have a sense of what I'm talking about, and then to bring it back to this issue of the Student Protection Act, you will recall the Victims' Bill of Rights that this government introduced. It wasn't a short while ago, but a couple of years ago.

**Mr Peter Kormos (Niagara Centre):** In 1996.

**Mr Marchese:** Five years ago? It was 1996. It was intended to at least communicate to the public that is either watching or following the issue in some way or other, through the title, that it conferred rights. If you don't read the bill, the assumption you make—those listening to those snippets of information you get from the media—is that it is a bill that gives victims rights, and so you say to yourself that this government is doing something good, it's helping victims, because the title of the bill says so. You're not encouraged by the government to read the bill. The government doesn't say, "Call us for the bill," so that you could read it for yourself to find out what is contained therein.

**Interjection:** You've got to pay.

1730

**Mr Marchese:** Sure, you've got to pay—mind you, you can get it off the Internet; you're paying for the Internet, too, but you can get it off the Internet now. But the government doesn't invite people to read the bills. I wouldn't do it because most of the time what is contained within bills is not what is in the title. The government clearly has an interest in not telling you to read bills. Most of you, I know, are so busy with your own lives. Good God, even the members of provincial Parliament don't read the bills, let alone having you read them. They're busy with so many things.

One teacher said, "I don't play golf. I don't have the luxury to decide I'm going to play golf tomorrow morning. I've got to get up and go to work and teach." One teacher said that. It was a letter that she sent to the Premier in anger at the disillusionment and the attacks that they feel from this government.

So the Victims' Bill of Rights is one example that I offer—and I'll offer another—that has no rights. You'll recall, Speaker, because you're part of the government,

the Tenant Protection Act. It suggests in the title that the bill is intended to protect tenants because it is the Tenant Protection Act. It is saying to the tenants, all 3.3 million or more, "Don't worry, the bill is about you and we are protecting you. Don't worry about reading its contents, because the bill says we are protecting you." The attacks that I have waged—in fact, I have excoriated with gusto the Minister of Housing in this regard—are because the Tenant Protection Act is clearly anti-tenant and clearly pro-landlord. It was designed to give landlords a little more money because they're suffering. The landlords are not little people.

We are talking about the owners of these rental buildings; not a little house where someone is renting the basement and is trying to scrape by to pay a mortgage to own a home. I'm not talking about them. I'm talking about the big buildings: 20 storey, 10 storey, 25 storey, whatever it is. These are the people who are enjoying the profits of decontrolling of rents, enjoying the benefits of a government giving them, in advance of a January announcement of tax cuts—they're getting it now. They're enjoying a tax cut because they're not making enough money and presumably with the extra money they'll probably buy another building so they can milk more tenants. That's what the government is doing: helping people who don't need money with a tax cut, passing a law, the Tenant Protection Act, designed to clearly help the big guy with the big buildings.

The decontrolling of rents is a way of killing rent control, which New Democrats brought in when we were in power to protect tenants from high increases that they were getting as tenants. It was designed to control rents. But the decontrolling of rents, without saying, "We are killing rent control," has the effect of killing rent control. How, you ask, good taxpayer? This is how it works. Someone leaves their unit and immediately faces incredible increases when they move into a unit next door or to a building next door, because there is no rent control that kicks in when they move. So the landlords have been jacking up rents incredibly because the vacancy is so low that they can do it and get away with it. Tenants have been suffering the effects of decontrolling in a way that I have never seen before. They are milking tenants through that decontrolling of rents. Rent control kicks in once they're in, but they get the big hit as they move from one place to the other. I'll remind you, Speaker—and you probably know or ought to know from a study that you commissioned, your government—that 70% of tenants move within a five-year period. Imagine these poor tenants who get whacked. We have seen unprecedented evictions, tenants with unprecedented hardships, unprecedented increases. That is waging war against 3.3 million tenants.

I say that to you as a way of saying that the Tenant Protection Act does not protect tenants. Remember the Safe Streets Act, which goes after squeegee kids? It's supposed to protect, I don't know, someone out there: old ladies, old men, I guess, who were driving their cars and



were getting so intimidated by those poor squeegee kids that they had to introduce the Safe Streets Act.

I gave these as examples—and there are so many more, but I don't want to talk about that any more, really—as a way of suggesting to you good citizens and taxpayers that this government plays games, a lot of them, when it comes to the titles of bills. But this one, the Student Protection Act, actually does what it says. So I can see how you could be somewhat deceived, good taxpayers, by this government. In giving you a list, a number of examples where the government introduces bills with titles that belie their content—when you hear this, you're likely not to believe this government. All I'm asking you to do for the moment, good listeners, those of you who watch this political forum—this one, the Student Protection Act, is actually good, by and large good, 90% good.

*Interjection.*

**Mr Marchese:** I want to get to that because there are some attacks that we want to make on this government. I want to say that this is a serious issue. Protecting young people from sexual predators and sexual abuse is serious. When abuse happens against young people—children or adolescents, teenagers—it's harsh. It's heinous. It affects your whole being, your whole psyche: intellectual, moral, physical, psychological, physiological. Your whole being is affected by it. So we have a duty as legislators to bring forth legislation that protects young people. That's why we support this bill: because it does, to the extent possible, do that.

I praise this government for doing that in spite of the fact that we often excoriate this government. I do it happily, often, because I disagree so profoundly with what they do most of the time, except in this regard.

I congratulate my friend from Sault Ste. Marie, Tony Martin, because he encouraged this government and previous ministers to deal with an issue that had occurred in his riding, and he had no action. Tony Martin had a campaign for government action on the issue of sexual abuse of students. But he was concerned enough, he and Bud Wildman, at the time. Both of them were concerned enough that they wanted to press the government to deal with an issue of sexual abuse in Sault Ste Marie. Tony Martin pushed that Conservatives should call an inquiry into the 1996 Sault Ste Marie case in which a separate school teacher assaulted students during a period of 20 years. The government finally commissioned Justice Robins to study the case in 1999, and the legislation now being debated is a response to those recommendations made by the judge and somewhat, I dare say, a response to the fact that Tony Martin raised these concerns in a campaign he started in 1996.

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In October 1996, Tony Martin and then-Algoma MPP Bud Wildman delivered a petition calling for an immediate inquiry into the sexual abuse case. The petition contained more than 10,000 signatures.

In July 1997, Tony Martin called on the Sault Ste Marie separate school board to offer an apology to the

victims for the sake of reconciliation and healing. He wrote to the Minister of Education repeatedly from 1996 to 1999 urging the government to call an inquiry. He wrote on behalf of his constituents to education authorities and the sexual abuse policy coordinating committee. He did that for three years. At the time, Mr Snobelen, the then minister—in the title of a newspaper article, "Snobelen Makes no Promises on Inquiry." "Martin Will Call for Inquiry Into DeLuca's Case"—another article. "Martin to Give DeLuca Petition to the Minister."

He did quite a lot to deal with an issue which for him was something close to his heart, close to anybody who understands the physical and intellectual and emotional disruption that such abuse causes to young people. As a result of his work, we finally got this government to have Justice Robins do this report that is now before us and which we support fully. We support and acknowledge his recommendations, support as well everyone who was involved in helping the minister with this issue. The College of Teachers consulted teachers' federations, parent groups, school boards, associations and independent school representatives, and submitted their proposals to the government, which the government obviously listened to. The elementary teachers of Ontario in particular said in a press release, "It appears that the government has listened to advice from teachers and others."

So the stakeholders were part of this and teachers were there to support this government, unlike this government's attack on teachers on a regular basis. It's for that reason that so many teachers are disillusioned and dispirited and are leaving our system, because of the attacks by this government. So when the government calls on matters of importance such as this, they are there. Federations and individual teachers alike are there to support the government because issues of sexual abuse, of predators against young people, need to be dealt with, and we are all behind them. I wish from time to time the Minister of Education would do the same and support teachers.

One of the problems we have with this bill that the minister doesn't cover is the fact that all certified teachers come under the purview of this particular bill, but there is one sector that does not. Before I speak about that sector that does not, I want to remind the government members who are here, some of them listening and some of them not—I understand, but I've got a couple of friends who are listening—that there are 1,200 unqualified teachers who receive letters of permission to teach in our public system. They are covered by this legislation. Remember, they're unqualified, they do get letters of permission, but they are covered by the legislation. Those who teach in the private system who are not qualified teachers are not covered. Do you follow the logic, Speaker? Unqualified teachers in the public system are covered, but unqualified teachers in the private system are not.

You see, I don't follow the logic. So I'm saying to the minister, you have to correct that. You have to devise a mechanism to make sure that unqualified teachers in the

private system are covered as well. Not to do so is a serious oversight, a serious omission for which you need to be criticized.

I overheard the Minister of Education say in response to one of the Liberals when he raised this issue that the reason is simple: they're not teachers. But whether you are certified or not, you are a teacher; you teach in that private system. The fact that you are not certified does not mean, ought not to mean, that you ought not to be covered by this law. In fact, you are protected if you are an abuser because you are not subject to this law. It's dumb and it's wrong. We ought not to be protecting potential abusers under the guise of or under an explanation that says they're not teachers. I'm sorry; even though they are not certified and they do not report to the College of Teachers, it doesn't mean they ought not to be covered. It means, therefore, that if not covered by the College of Teachers, they ought to be covered by some other body. The bill ought to cover that group in some way. You've got the wheels, you've got the government, you've got the limousine. Please, just devise a mechanism to make sure that these uncertified folk are covered.

We agree that we need to protect students from sexual abuse. We agree on your definition of sexual abuse, making it more comprehensive, that includes not only physical sexual abuse but also sexual harassment. We agree with that as well. We agree with the removal of teachers in that it imposes a duty upon school boards to remove a teacher from the classroom who has been charged with or convicted of a sexual offence involving minors. We agree that the board will have to take steps to ensure that the teacher does not perform any duties that permit him or her to have contact with students. We agree with all of that. We agree that all employers of certified teachers working with students 18 years of age or younger would be required to report sexual abuse. That includes public schools, independent schools, tutoring companies or any other organization employing teachers certified by the Ontario College of Teachers. We agree with that. We agree in that it increases the reporting requirements and communication between employers and the Ontario College of Teachers. All of that, New Democrats agree with.

What we disagree with is the fact that it doesn't cover everybody and that in the private school system, where there are close to 100,000 children who attend them, some of those who are teachers but not certified are not subject to this law. I suspect half of the teaching body does not have a teaching certificate, which I suggest to you is a high number of people we're dealing with. If we're worried about sexual abuse, sexual harassment, that can come from anyone, whether certified or uncertified. You've got to protect everyone and you've got to make sure that everyone is covered by this law, and your oversight doesn't deal with it.

I'm surprised, because it ought not to take so long for the government and the Minister of Education, or anyone, to come forward and say, "There's a problem. We

agree with the opposition." They didn't even have to listen to the opposition. They could have, in anticipation of opposition criticism, come forward and said, "This bill doesn't cover all circumstances, but it will."

That's why we're going to need hearings, because we need to talk about how to solve that particular problem. It will also give the minister an opportunity to come forward with suggestions and/or solutions to that particular problem. The minister can look good, and ought to look good, and we will thank her and acknowledge that she is responding to a legitimate concern that we in opposition have. But if she doesn't do it, she will be properly criticized, excoriated for an omission that's egregious.

You, Speaker, and your buddies are now funding private schools through public—

1750

**The Acting Speaker:** I just want to assure you that when my foot reaches the top step here I become pure; all my biases leave, my halo becomes permanently in place. I'm acting in the role as your Speaker, not as a colleague of those in one bench or the other.

**Mr Marchese:** I appreciate that, Speaker. I hope they're still your buddies, though. I hope that even though you hold that chair and are of course independent and neutral, they're still your buddies.

But your buddies, Speaker—and I know you are neutral in that chair; I appreciate that and I acknowledge that—have introduced a law that will fund private schools in the form of a tax credit. They're going to get a tax credit. You, good citizens—oh, taxpayers—are going to be paying, in the form of a tax credit, parents who send their children to a private school. I am convinced you don't support it. I know that most of you don't support it, and you're going to have to let the government know that. Ninety-five per cent of students are in our public system. It means that our public system is working. But public confidence is floundering. Our schools are crumbling and our teachers are demoralized. They're tired of you beating up on our public school system and our teachers.

You had the nerve in this climate to introduce public dollars for private schools, where you, the Minister of Education, and you, Premier, admitted the \$300 million to \$500 million would come out of our public schools. You said as much. Now you, Minister, and the government are saying, "Oh, no, we didn't say that. That would have been the case if we had done funding in some other way." The Minister of Education said that in committee: "It would have been \$300 million that would have come out of our public schools if we had done it differently." I asked her in committee, "What kind of 'differently' does that mean? In what way would we have spent \$300 million that would have come out of our public schools if we had done it differently? What is that?" She didn't have an answer for me.

She's saying \$300 million will not come out of our public system now; it will come out of our consolidated revenues and therefore it will not affect our public school system. It boggles my mind, good citizens, when I hear



such logic because it doesn't make any sense. We've got one pot that all of you pay into, and then we distribute that money to health, education, social services, environment, labour, culture etc—one pot of money. So if this government is about to give away \$300 million to \$500 million to \$700 million, where is it going to come from? It's got to come from somewhere. You just don't grab \$700 million from some Tory tree. There are no Tory trees that grow money. You just don't pick it up.

Your insane move to advance the tax cuts earlier than January, which I call an act of irremediable stupidity, is going to hurt us some more. It's an act of ruinous and irremediable stupidity that they're going to take your money, give you back 18 bucks or so and that it is intended to spur you to go out and spend at a time when people are being laid off. You're worried about saving whatever few pennies you've got. You've got your \$18. It's not going to give you an incentive to go and buy a television. What does it mean? It means that we are draining our provincial coffers in a way that leaves us empty of any resources to help the people who need it.

Seventy-five million bucks of that \$175 million these people have given away, just thrown down the drain, could have been given so that every student in our system would have a textbook. Students are sharing old tattered books, and we don't have enough textbooks to deal with the new curriculum that has just been introduced. This government has cut the money that ought to be going to textbooks for this coming year from \$30 million to \$15 million, thus suggesting to me and to the people watching that our students are not getting the money they need to have the books for the new curriculum.

Do you understand? All of that \$300 million to \$500 million to \$700 million that these people gave to private schools could have gone into textbooks as one example of so many needs. Our schools are crumbling. A portion

of that money could help the schools that are crumbling in each and every one of our areas in Ontario. That \$175 million they're spending on that tax cut in advance of January—that's what it costs—could have been so used by our health care system, our educational system, our services for seniors desperately needing support, and this government proudly and arrogantly says, "Oh, no, New Democrats, that's the old way. Our new way is just to throw money away in tax cuts because we believe that will solve our problems."

We have an economy that's crumbling and the government is throwing away money it doesn't have to corporations that don't need the money if they're doing well, and it won't go to the corporate sector that is falling apart, because it's falling apart. It's going to people who are going to benefit at the big level, and those who earn a couple of bucks are not going to spend it. It's \$175 million wasted, down the tubes.

Good citizens, we're in trouble. By these policies we're in trouble. We need every possible penny we've got to support our public system, and this government has given it away to the private sector to the tune of \$300 million to \$700 million. I say to you, taxpayers and citizens of this province, that if public dollars, your money, are going to go to support private schools in whatever way, then they need to be accountable. Certified teachers and non-certified teachers must be accountable like our public system by this bill. We New Democrats are saying that those who are not certified are not covered by the bill and that's a serious omission to which I will return the next day.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 6:45.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*

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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 3 October 2001

Mercredi 3 octobre 2001



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 3 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 3 octobre 2001

*The House met at 1845.*

### ORDERS OF THE DAY

#### IMPROVING CUSTOMER SERVICE FOR ROAD USERS ACT, 2001

#### LOI DE 2001 SUR L'AMÉLIORATION DES SERVICES À LA CLIENTÈLE OFFERTS AUX USAGERS DE LA ROUTE

Resuming the debate adjourned on October 2, 2001, on the motion for second reading of Bill 65, An Act to permit the Minister of Transportation to delegate to persons in the private sector powers and duties and responsibilities to deliver services relating to road user programs / Projet de loi 65, Loi permettant au ministre des Transports de déléguer à des personnes du secteur privé des pouvoirs, des fonctions et des responsabilités pour fournir des services liés aux programmes à l'intention des usagers de la route.

**The Acting Speaker (Mr Bert Johnson):** Further debate?

**Mr Doug Galt (Northumberland):** I rise today in support of the Improving Customer Service for Road Users Act, 2001, Bill 65. As members know, this bill would permit the Ministry of Transportation to transfer the delivery of some of the road user programs and services to new service providers. The proposed legislation is designed to allow some Ministry of Transportation services to be delivered by other service providers.

I think it's important that the members of this House be assured that, through the transfer of services, the government will continue to protect the privacy of all Ontarians. I think that's a very important aspect of this particular bill. The bill includes important provisions to protect the privacy of individuals and to safeguard the confidentiality of their personal information. This comes under the proposed legislation. Alternative service providers would be required to abide by the provisions of the Freedom of Information and Protection of Privacy Act with respect to their actions on behalf of the ministry. Additionally, alternative service providers would be mandated to create the position of a privacy officer within their organization. The privacy officer would be responsible for securing all of the customer records related to the delegated business. In our society we are very, very concerned about our privacy rights, and certainly any-

thing that comes from this bill would be protected under our Freedom of Information and Protection of Privacy Act.

Additionally, we are committed to ensuring that road safety would not be compromised under this legislation. We would continue to safeguard the public interest by regularly monitoring and auditing new service providers to ensure they comply with all legislative and contractual obligations. I'd like to put to rest any concerns that this proposed legislation might undermine the safety of our roads. The fact is that, if we read this proposed bill from beginning to end—and I hope all the members here will do just that—it's obvious through the proposed legislation that road safety would not be compromised. Later, if I have time in my 20 minutes, I really want to expand on road safety and the kinds of changes that have occurred in the province of Ontario over the last six years with road safety, particularly in my area on Highway 401; tremendous changes. I just hope I have time for that.

On the contrary, the bill would indeed support and enhance the delivery of Ontario's graduated licensing program. As members know, that program has been a tremendous success story since its introduction a little over six years ago. I'm not exactly one to be a supporter of the NDP, but I have to admit it came in under their regime, and it was one of the better policies, maybe the best policy, they had. I think in terms of the lobbying the insurance industry did to bring that in. They recognized as an industry what graduated licensing could do for safety on the roads here in Ontario. Lo and behold, that was very effective. As a matter of fact, my wife was with Co-operators at the time, really promoting this idea of graduated licensing.

1850

Under the graduated licence system, novice drivers obtain a licence that requires them to obey a comprehensive set of driving restrictions on things like alcohol, night driving and travelling on our busiest highways. These restrictions are designed to provide our new drivers with valuable experience during a period when statistics show they are the most vulnerable. I can certainly vouch for that. I have three daughters, and by the time they finished their first year of driving, we'd lost four vehicles. They've ended up excellent drivers, but it's in that novice period that they have some real difficulty. I may have a daughter watching this tonight and she may be a little upset I mentioned that, but it's so true that in that first year of driving the novice driver gets into



trouble. With the graduated licensing, that has changed tremendously.

Under the graduated licensing system, all novice drivers must complete a two-step licensing process and take two road tests before becoming fully licensed. The graduated licensing system promotes safe driving habits among beginner drivers in the belief that those habits, once learned, will last a lifetime. We know how difficult it is, especially if you get a bad habit, to change that into a proper habit, but once you have established those good habits, they tend to stay there.

The statistics will show overwhelmingly that graduated licensing is indeed working. Studies show that the total number of collisions involving novice drivers has dropped by some 31%. That's almost a third. In those collisions, the number of injuries and fatalities involving novice drivers has gone down by 24%; very significant statistics, indicative of the success of the graduated licensing program.

With graduated licensing, Ontario is on its way toward achieving its goal of having the safest roads in North America. As a matter of fact, we're already at number one here in Canada, and number two, after Massachusetts, in all of North America. This government will continue to strive to improve that kind of safety record.

Our government has been for law and order, safety and security—quite a turnaround from the government we had prior to our coming into government back in 1995. We see things that have just recently happened in the States. We see the strength of our Premier, Premier Harris, coming through. Contrast that with the federal government and the Liberals, so weak and not coming through. You look to the US. Look what happened with the Democrats. They got rid of half their military; they got rid of their intelligence. You can see where they've ended up, similar to what's happened here in Canada with the military and with their intelligence. It's really very unfortunate in a country such as ours.

#### *Interjections.*

**Mr Galt:** I hear the Liberals quibbling on the other side. I can understand why they would want to try to protect their first cousins in Ottawa.

As members know, the Ministry of Transportation has traditionally provided driver and vehicle services to the public. In fact, this has been the case since 1909. In those days, the only obstacle to aspiring drivers was access to a car. The issuing of chauffeurs' licences in 1909 grew to include a competency test in 1913. By 1927 an operator's licence was introduced into Ontario, with 25 examiners employed to test applicants. In that first year, almost 450,000 operators' licences were issued, at a cost of \$1 each. Probably that was pretty expensive in those days.

I well remember my test in 1953. That was when you were still allowed to get a licence, if you were on the farm, at age 15. I had it for six months, and because they changed the law at the end of that year, I had to give it up for six months and get it back the following July. But the big thing in that test—they were just coming out with signal lights at that time—was how well you put your

arm out the window to signal right or left. Once I made two turns, we went back to his office and he signed me up as an official driver in Ontario. I haven't been tested since, and we're doing reasonably well, I think.

Every step of the way over the past 80-plus years, the transportation ministry has worked to improve its customer service capabilities. My, my, how times have changed. Today, we have more than eight million drivers on Ontario roads and more than nine million registered motor vehicles, yet the need to continue in the tradition of customer service excellence established so long ago by the Ministry of Transportation continues today. We can see the ministry has a long tradition of service delivery, in addition to an outstanding record in promoting road user safety. Yet first and foremost, the ministry's role must be as manager, not as deliverer of services. It's all about steering as a government, not about rowing. We believe that ultimately transferring some of these services and programs to other service providers will vastly improve customer service. Customer service is something I've been on a push for since late 1995 or early 1996, and it's just great to see the kind of awards that the civil service in Ontario has been winning.

The demand for driver testing services in Ontario will continue to grow as our population increases, thanks to successful economic growth in this province. The Ministry of Transportation has already made some significant customer service improvements to address the growing population of drivers in this province. In 1999, members will recall that my colleague the Honourable David Turnbull, the previous Minister of Transportation, brought in a package of measures to address the customer service problems at provincial driver examination centres. Under this initiative, the ministry hired more than 300 driver examination staff on a temporary basis. It also opened temporary driver testing facilities and expanded the hours of operation at a number of provincial testing centres. As a result of this initiative, more road tests have been offered and the average waiting time across the province for driver examinations was reduced.

This is particularly significant in my area. A lot of people were very, very concerned about getting into big, long line-ups. As a result of what the Honourable David Turnbull did, the end result has been resolved and the turnaround has been just tremendous lately. I don't think we've had a call in my office for years now.

This new bill would enhance our commitment to improved customer service. It supports MTO's intention to find a service provider for driver examination services. With the passage of this proposed legislation and the eventual move to a new service provider, the province will be able to build on the significant customer service improvements in driver examination services that have already been made.

Under the government's proposed initiative, the new service provider will be responsible for vision testing and for examining candidates on their knowledge of the rules of the road. It would take driver's licence photos and book appointments for road tests, and it would be

responsible for carrying out the road tests needed to obtain Ontario's class G1, G2, commercial and motorcycle licences. All told, it would be able to apply the private sector's unique ability to approach the delivery of business services with creativity, flexibility and innovation, the same tenets that have made Ontario this country's economic powerhouse.

As members will know, Ontario is committed to the highest level of customer service possible in all facets of its operations. This initiative builds on that commitment. By engaging the private sector in the delivery of driver examination services, the government will continue to maintain and then exceed those high standards for excellence in customer service. If we can increase the effectiveness of Ontario's driver testing process today, the public will benefit immediately through enhanced efficiency in the delivery of our customer service.

The key, of course, is to find the right service provider for the job. To ensure that the right organization is indeed selected to undertake this very important task, the ministry has established an open and competitive process. A successful bidder would be required to prove its capability in a number of areas before earning the right to deliver driver examination services in the province of Ontario. It is a process that would demand that all candidates for this role meet a very specific, predetermined set of criteria. If a successful candidate is chosen, the ministry will then develop a detailed service delivery contract with the winning bidder.

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I believe the people of Ontario simply cannot lose with this process, because the whole point of the exercise is to provide them with better service. If the selection process results in a new provider of driver examination services, the service delivery contract with the ministry would contain measurable objectives and clear milestones for customer service improvements. We believe that government ministries should set provincial standards and work to see that they indeed are met. We also believe that the government's primary business is to manage services effectively, rather than to deliver services directly.

With the passage of this bill, the Ministry of Transportation would continue to play a key role in licensing drivers across this great province of Ontario. It would set licensing policies, fees and standards, and it would focus its efforts on seeing that those standards are met. The goal here is to improve customer service, and the people of Ontario will indeed be the beneficiaries. Others have already spoken to the bill's benefits with respect to enhancing government's accountability, but from my perspective the real importance of this bill is simply that it will bring better, more efficient and more cost-effective services to the people of Ontario. As members and elected representatives of the people, I believe we all have an obligation to support measures that will result in better services to the public.

The Minister of Transportation has been working hard toward the goal of improving customer services across

this province. This work strongly supports the government's goal of achieving smaller, more efficient government that does a better job and improves customer service through alternate service delivery. It also underscores the government's role as a manager, not a deliverer of services.

In this day and age, customer service has become a highly specialized field. Companies that are good at it generally do very well and those who are not very good at it are often doomed to fail. In managing services that are delivered to the public, the ministry plays an important strategic role in Ontario's transportation sector, a role that embraces all transportation modes and dimensions of provincial policies, planning and management. In terms of Ontario's policies, fees and standards, the proposed act makes it crystal clear that MTO would continue to effectively manage the delivery of these services.

This bill will allow us to engage our private sector partners in the development of flexible, creative and innovative approaches to customer service, and it sets the stage for enhanced efficiencies down the road. This government made a commitment in its 1999 Blueprint document and in the most recent speech from the throne to make the government more accountable to provincial taxpayers. One thing our government has developed a reputation for is that we do what we said we were going to do. That's rather unique in politics in recent years, in some of the other parties, especially during that lost decade from 1985 to 1995. If you look to the federal government, the last thing in the world they'd do is what they said they were going to do, but this government, since 1995, has been committed and they are doing what they said they were going to do.

One important part of that commitment is to ensure that services are delivered in a safe, efficient and high-quality manner. To fulfill that commitment, we are determined to explore new and innovative ways of improving customer service and, wherever it is practical, safe and cost-effective to do so, we are prepared to transfer the delivery of those services to an entity that can do a better job. This proposed legislation reflects this important government commitment and our desire to bring better service to the people throughout the province. We will continue to explore further improvements in the future and we will continue to ensure that hard-working people in all parts of this province receive high-quality services and excellent value for money, things they expect and deserve.

I have about a minute, Mr Speaker. I want to talk about some of the safety issues that I mentioned earlier. In my area, a big concern back in 1994-95 was for a centre barrier on the 401. I'm pleased to report to this Legislature that that barrier is completed. They're just doing a bit of paving to finish up and some lines are going on—a very safe area on the 401 where there used to be a lot of crossovers because of the S turns it went through in Northumberland. They've put rumble strips along the side. They've put cat eyes on some of the major turns on that highway. We're spending more money in



highways now than has ever been spent in the history of this province. I think a lot of things are happening in highway construction that make our highways just that much safer and that is why we have the safest highways in Canada, and second only to Massachusetts in North America.

This bill represents an important step in a way of achieving the objective of high-quality services and excellent value for money. These are the things the public expects and that the public of Ontario deserves. Because of this, I ask that all members join with me here today in supporting second reading of this bill. I know they want to see this kind of quality service present in Ontario. I look forward to the support of all parties on this bill.

**Mr Steve Peters (Elgin-Middlesex-London):** I'm sorry to tell the honourable member from Northumberland that I won't be supporting this legislation this evening. You talk about doing a better job in the delivery of services. Well, the legacy of this government in supposedly doing a better job in the delivery of services is Walkerton. That is on all of your hands over there.

You talk about increasing effectiveness and efficiency. You're the very party that brought us to this position in the first place in 1995-96. You're the ones who closed down the driver examination offices all across this province, including the one in my own riding of Elgin-Middlesex-London in St Thomas. Talk about efficiency. You've forced constituents of mine to have to drive to London now for a driver's examination test. You're the ones at the very root of this problem that we're seeing in this province.

And you know what? You talk about how this is going to be of such benefit to individuals. The public is going to lose out on this. Not only are fees going to be put in place but you're leaving it wide open for additional fees to be collected by these individuals who are going to be delivering this service today.

I want to make some comments on this. The honourable member for Northumberland makes reference to the lost decade. I wasn't any part of the lost decade. I was elected in 1999, so I'm not going to speak up for that, but I can tell you what we've seen in this province in the last six years: six years of destruction, where you as a government have systematically dismantled the delivery of public services. We've seen it; we're seeing it right now. We've seen what's happened in the testing of water in this province. We've seen what you're doing with the privatization and sale of the Province of Ontario Savings Office. We've seen what has happened in a whole variety of areas where you think the private sector can deliver services better. The public servants of this province have played an important role for well over 130 years in this province, and you've systematically dismantled that service. That is a disservice to the citizens of Ontario.

**Mr Tony Martin (Sault Ste Marie):** I want to comment on the points made by the member who spoke on this bill from the government side this evening. He said that this is about providing better-quality services, when all of us who are looking at what this government is

doing, have followed their track record, who have been involved in trying to order the public life of this province, know that this government's last concern in most decisions it makes is in fact the quality of services delivered. This is about finding so-called efficiencies. This is about finding new ways to duck the responsibility that government has to provide public services to the people of this province who pay taxes for those services, who expect government to be there to make sure that services are there, particularly where there are issues of safety, such as in this instance where we're dealing with people who drive vehicles on our highways. Anybody who is reading the newspapers or listening to the news these days knows our highways are becoming occupied by more and more vehicles and are more and more dangerous. We need to be ever more vigilant in our protection of those public vehicles to make sure that people who drive actually have the qualifications and are being monitored in a way that ensures they continue to have them and don't provide or prove to be a threat.

If it's actually about better-quality services or costing the government less, I suppose we would want to look at other examples this government has used to privatize or to follow their ideological bent, and we know that in those instances they failed miserably.

**1910**

**The Acting Speaker:** Comments and questions?

**Mr Ted Chudleigh (Halton):** This whole debate strikes me as one that weighs the private sector against the public sector in the delivery of services. I challenge the opposition members to come up with an example where the—

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: Is there a quorum present?

**Mr Chudleigh:** Apparently I've been interrupted, Mr Speaker. I'm not sure there is a quorum, but I'm sure the table will tell us whether there's a quorum available.

**The Acting Speaker:** That is a point of order. I'll check and see.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The Chair recognizes the member for Halton.

**Mr Chudleigh:** It strikes me that this entire debate is between the ability of the private sector to deliver a service or the ability of the public sector to deliver a service. I challenge members of this House to come up with an example of where the public sector can deliver a service more efficiently and with better value to the people who pay for it—that would be the taxpayers of Ontario—than the private sector. The private sector is where those efficiencies come from.

This bill will bring in customer service. It will provide innovation for flexibility within communities. I think all of us recognize there are vast differences in the numbers and types of communities throughout this great province

of Ontario. In order to make it adaptable to those communities so that each community can have the service it expects and deserves from any service, whether it be licensing or any other service in Ontario, that can best be done by the private sector, which is motivated to deliver those kinds of services where and when needed for this great province of Ontario.

**Mr Smitherman:** I listened with great care to the comments by the member for Northumberland, and if I could offer him a compliment it would be that like a talking Ken doll that never loses its vigour for its same tired old message, he goes on and on and on: the Eveready Ken doll, a bit of a blend of two images. That member, in his comments, went to some great length to talk about the great record of his government just doing what they said they would do.

I want to reach out tonight to the people of Port Hope in his riding, who have, under his leadership and that of Governor Harris—I should say, Premier Harris. He has spoken out with such great confidence in his leader. I want to remind those people that he closed their hospital.

I'd ask the member in his two minutes to remind us to ask him the question, did you tell the people in Port Hope that when you got to Queen's Park you were going to work to favour one community in your riding against them and to see the diminution of their health care services? What's the answer to that, I ask the member?

When you ran for election in 1999, I ask the member for Northumberland, did you go to the people in Northumberland and tell them that you would be supporting a massive change in the way our education system is run in this province, to the point that you would offer money for vouchers and take money out of the public education system to offer an incentive to parents to take their kids out of the public education system and push them into private and religious schools?

I ask you this third question: when you ran for election in any of the times in 1995 or 1999 when you were successful in the riding of Northumberland, very narrowly, I might add, did you tell the people that you were going to be part of a regime that took away the protections of the Ministry of the Environment, which led to the crisis in Walkerton?

**The Acting Speaker:** The member for Northumberland has two minutes to respond.

**Mr Galt:** I want to compliment first the member for Halton for just an absolutely brilliant two minutes of response. The other three didn't do nearly as well.

The member for Toronto Centre-Rosedale, I do have to respond to him first because he started out with a compliment, and I have to thank him. But I would like to follow up on his comments about hospitals and what happened in west Northumberland. As a matter of fact, this past Friday I was at the site; construction started for a new hospital. They've raised over \$15 million in fundraisers; well over \$21 million when you include the site and all the rest of the other donations that have come in. They have over \$21 million for a new hospital, and it's now under construction to serve all residents of west

Northumberland. The right result is happening, the absolute right result. Was it in the right sequence? No. But the right result has happened.

I wanted to respond to the comments of the member for Elgin-Middlesex-London as well, talking about staff etc. When the G2 test came through, there was quite a large number requiring G2 examinations at once. That's why the backlog occurred; that's why the government responded on a temporary basis to hire a lot of temporary staff to look after that backlog. Now we're looking at long range. It's unfortunate that during the lost decade neither of the parties looked at long range.

You talked about six years of destruction. Let me tell you that I don't think almost a million more people out there with jobs would consider that six years of destruction. We did not have gridlock, I'll admit, in 1995. It was very easy to drive into Toronto in 1995 because a million people in Ontario weren't going to work, weren't driving those roads. They're now driving them, and I apologize to the Liberals if they are caught up in gridlock and they don't like this million people going to work, this million people having money to buy goods from trucks that are travelling on the roads. That's unfortunate. We'll work on that. Premier Harris has come out with a recent announcement that's going to deal with it.

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**The Acting Speaker:** Further debate.

**Mr Smitherman:** It's my pleasure to have the chance, on behalf of the residents of Toronto Centre-Rosedale, to speak on this bill. I'll be sharing my time with the member for London-Middlesex-Elgin—no, Elgin-Middlesex-London; it sounds good either way.

I'll be voting against this bill, and I'll be voting against this bill because it's a bill that is locked in the same time warp that we find this government. This government introduced this bill on May 31. In the member's very own comments, he was shameless in the methods that he used to speak in favour of his leader at the expense of the head of the government of Canada. In a time when we find ourselves in slightly uncertain circumstances, that member was shameless and partisan in speaking about Governor Harris—I should say, Premier Harris.

Yesterday we heard in here a Premier who wrapped himself so tightly in the Stars and Stripes that I began to wonder if he'd lost sight of the responsibilities that he bears as the Premier of this province. I begin to wonder, too, whether the member, in the comments that he raised, has lost sight of the extent to which the people of Northumberland expect him to be a representative as part of the province of Ontario rather than as some near-US-like jurisdiction, which this party has favoured for the last six years.

The influences of Mike Murphy in that member's comments and in the way this Premier has governed himself in the days since September 11, I think, are quite problematic.

It's interesting that at a time—I remind people that this bill was introduced on May 31. In the days since



September 11, when we have seen in many jurisdictions a return to public services where previously privatized service providers were active, this government chooses instead to plow forward. This is a government that is lost in a time warp, the time warp of rhetoric from the member for Northumberland, who talks about, "Just doing what we said we were going to do," when in fact they have varied very widely on that point; in a time warp that doesn't reflect the changed circumstances and the changed public attitudes about the importance of good-quality public services in our province.

I want to make a couple of points. We had occasion since this Legislature resumed sitting on September 24 to raise just one very specific circumstance in this House, raised by my leader, Dalton McGuinty, in a question to the government with respect to the security of birth certificates. I think the government found, upon review of the circumstances in which they issue birth certificates, that there was a vulnerability; in fact, perhaps many of them. The government, quite rightly so, and I credit the Minister of Consumer and Business Services for doing so, took up action to offer more adequate protection. I'm not convinced that we've done all that we can. At that time, again, when the public is in a position where they're expecting good-quality public services, we see a government that is prepared to devolve to the private sector, and inevitably into the hands and responsibility of people who are making less money than public servants currently holding those jobs, the potential for the devolution of more of the responsibility for a broad range of services, including identification; as an example, hazardous materials handling licences.

Isn't it interesting that John Ashcroft, I'm sure a much-revered figure on that side, given his historically very conservative stances—isn't it interesting that at the very time the United States is looking at the further risk of terrorism activity, and hazardous materials licences being one example of the path that potential terrorists who are being investigated might have been going down, this government is saying, "This is not a crucial public service. We don't have a responsibility or a need to hold that information close at hand and to ensure on behalf of the people of the province of Ontario that we're doing the best possible job we can in securing personal information and making sure that people who pose a risk aren't accessing drivers' licences," an awfully effective form of identification, I think most of us would agree, or hazardous materials licences, thought to be a vulnerability in the United States to further attack.

This is a government that asks much of us in accepting their best wishes and their words around the protection of people's privacy. Yet in addition to the birth certificate example that I raised a few moments ago, this is coming from the same government that in its haste, in its desire to sell off assets—in this case, the Province of Ontario Savings Office—in a disgraceful act by a minister who has since left the government, offered up personal information on its own clients from a savings office. We are asked at this time, when people are feeling vulnerable, to

go along with this government and "Just trust us." I don't think that's the right response. Yes, certainly there are people who are feeling vulnerable as a result of what happened on September 11. All of us in our daily lives engage every single day in conversations which are dramatically influenced by the events of September 11, and it seems that everything's been influenced except the thinking of that government, which is a one-trick pony, stuck in the rhetoric and stuck in the time warp that was present on May 31 when they introduced this bill, which in my opinion runs the very real risk of diminishing the capacity of Ontario to be a safe and secure society.

You could criticize me for scaremongering—

**Mr Chudleigh:** We will.

**Mr Smitherman:** Pipe down there, apple boy.

But we have a circumstance where the Premier went out of his way so that he could make a smart announcement and has appointed these experts like Lewis MacKenzie—a man of some decent reputation—and Norman Inkster. I'd be very interested to know whether in their considered opinion, at a time like this when the matter of personal identification is central to people's capacity to move on like a domino in an insidious way and gain access to more and more vehicles, and this government moves forward with this bill—did they consult with their newly appointed security czars? There are two of them. I'd be very interested to hear the government's response to that matter.

No, we see a government that uses the influence of September 11, and the rhetoric is reflected in the member from Northumberland's comments, and yet they have not done an adequate job of looking at the extent to which this legislation runs counter to the very goals of not just this government, but of all jurisdictions in the civilized world.

We know that there has been a circumstance where public sector workers providing security services in airports were over time, in both Canada and the United States, privatized. With all of the rhetoric of the member from Northumberland and the member from Halton, who went to some great lengths to talk about the superiority of the private sector, within 24 hours, perhaps even five, of the circumstances on September 11, there was talk of restoring public sector workers to the role of providing security checks at our airports. Yet this government, which has used so much rhetoric since, has failed to reflect on that.

I am going to stand and vote against this bill, because this bill fulfills a government agenda which is counter to the best interests of the people of Ontario, particularly at a time when they are feeling vulnerable, when they are feeling like their security that once seemed so certain is perhaps less so. I urge the government, I implore the government, I challenge the government, I beg the government, to ask your czars, these two men on whose reputations you have banked such a great public display this week, I ask you, refer this bill to them. I want to know where those two men stand on this bill. I want to know that they believe the best interests of the people of

Ontario are represented in a bill which devolves the responsibility for personal information and the creation of identification to the private sector. I want to know that that's in the best interests of the people of Ontario

**Mr Peters:** I won't be supporting this legislation, and I think we need to be conscious of what this government has done with the privatization of services in this province. This government constantly stands up and praises the great things that they're doing with the privatization of services, but who's the first to sound the alarm bell when it comes to the privatization of services? It's the Provincial Auditor. The auditor in his 1999 report showed that the privatization of highways had not saved any money and may ultimately result in significant increases in the cost of highway maintenance. What we're going to see out of this privatization is higher costs and less service for the good citizens of this province.

We've seen some of the other effects and where this government's agenda is taking us when it comes to privatization. We're seeing the direction that the government has gone with the jails. We've seen where they're going with air ambulances. We've seen the drastic effect on this province of the implementation of privatization and what's happened in Walkerton.

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This government talks—they're up touting the Blueprint and promises made and everything else—but let's cite some promises made and promises not kept that have had a direct impact on the citizens of this province. A promise made in 1995: no cuts to agriculture. In July 1995, right after the election, \$14 million right out of the budget of agriculture. Boom, just like that.

On May 24, 1995, Mike Harris promises in writing, "We will implement an Ontarians with disabilities act." Well, we're still waiting. The clock is ticking.

And now, the latest of promises made and promises not kept: Elizabeth Witmer, writing to citizens in the city of London in the spring of 1999 talking about children's services, how they're secure for the short term and secure for the long term. What did we see today? We have seen the devastation of children's services in London: not 14 cuts, as was pointed out in the Legislature today, but 18 programs cut as a direct result of the funding cuts from this government to the London Health Sciences Centre. I think that's a terrible thing that you have done to the citizens of southwestern Ontario, all in the name of trying to do things better. You're not doing anything better for the citizens of southwestern Ontario; you've abandoned the citizens of southwestern Ontario. And I can tell you right now that the citizens of southwestern Ontario are going to be speaking up, because we certainly haven't heard anybody speak up, particularly in the back row: London West, London-Fanshawe. They stand up, but they don't say anything—London-North Centre, she doesn't say anything either. They're not standing up for their constituents.

But let's deal with some of the other issues in this legislation here. Road safety: they talk about road safety, but when profit levels are going to be the sole motive for

any organization, we know that the chances of road safety improvements are actually going to decrease.

I think another issue that is of the utmost importance is the Toronto-centred mentality of this government. My apologies, I'm not taking any shots at Toronto, because I think Toronto is a great city. But I think there's a mentality—especially out of this government right now—of this cookie-cutter approach to the province of Ontario, that what's good for Toronto is good for the rest of this province. That is not true. With the privatization of these services, you're going to see rural Ontario and northern Ontario hurt as a result of this. We saw this in 1995 just after the election when they went and closed down drivers' testing offices all over this province, including in the city of St Thomas. What did that do? That didn't improve customer service for anybody in this province. If anything, it made it worse. It forced people in my riding from Port Burwell and Port Glasgow to have to travel to London or Chatham for a driver's road test.

What did it also do? Sometimes you've got to think these things through; obviously this government doesn't think it through. The ripple effect of closing down some of these offices is that it created a tremendous backlog for people who had to wait months and months for a driver's licensing test. That's a direct responsibility of your government and how you failed Ontario citizens.

I think we need to be concerned about access to confidential information. This piece of legislation will allow private road companies to have access to MTO databases and private, confidential driver information. The government claims that these files are going to be protected. But we've seen what's happened with protection of personal information in the release of information from the Province of Ontario Savings Office: again, another entity that this government is bent and determined to privatize; a service that provides—including in my own riding, in Aylmer—a very important role and this government is selling it out from under the feet of the citizens of Ontario.

I think too that a very good point is made, as my colleague pointed out, with the issue of birth certificates. What we're going to see here is an increased risk and an increased possibility for people to fraudulently attain drivers' licences. I think that we need to do everything we can to make sure that we pull our security measures in place. What you are doing is systematically dismantling those things.

This is a real kicker: the elimination of any liability for the province. This piece of legislation states that the province cannot be held liable for any damages that result from reduced road safety arising from the privatization of road safety services. This is a clear indication of the abdication of responsibility of this government, of not standing up for the citizens of Ontario: "Sorry, we don't have anything to do with it anymore. You're out on your own." Well, the potential harm you're doing to individuals in this province is unconscionable and is certainly not acceptable.



I think the other aspect of this too is the constant attack this government has made on a wide variety of areas in this province. We've seen that you love to pick on people. There's no doubt it's unprecedented in the history of this province that a government has run so roughshod over its constituents. We've seen a government abandon persons with disabilities in this province. We've seen a government walk away from the farmers of this province. We're constantly seeing an erosion of services.

We're seeing, again, the government walk away in an abandonment of the citizens of southwestern Ontario with the cuts that were announced today by the London Health Sciences Centre—18 programs. My concern is that's just the tip of the iceberg. If they're doing that with one hospital, there's no doubt the Minister of Health has put every hospital on notice, and we're going to see services rationalized and centralized all over this province. That's not the way to operate, and that's not the way to treat the people of Ontario. You're so disrespectful to the citizens of this province.

The other attack you have constantly made is on the public service in this province. We've got a long, long history of the important role the public service has played from the very foundations of this province in 1867. For years and years, the public has grown to accept the public service and the role public servants play in this province, knowing they're going to have good delivery of services, knowing there are going to be equal standards across this province, whether you go from Windsor to Cornwall to Thunder Bay.

We've seen a constant attack by this government on unions in this province, OPSEU in particular. It seems to be your mission to do everything you can to do damage and destruction to some of the unions in this province.

But do you know what? What you're doing is not helping the citizens of Ontario. You're making it worse, because the standards aren't going to be the same from Windsor to Cornwall to Thunder Bay. You're dismantling those standards. I think that's extremely sad.

You talk about the rationale for doing what you're doing. This government, as was pointed out many years ago by the former Minister of Education, needs to create a crisis. Well, you started—and you're very clever—but the wool is coming up. The public is starting to see through your government and see the damaging things you're doing to the citizens of this province.

You started to plant the seeds for this initiative in 1995 after your election, when you started to close those driver's licensing offices across the province. You created that crisis all over: "Oh, look at the big backlog we've got now. Sorry about that. But in the name of government efficiency, we've shut down these offices." So you created that backlog, created that crisis, and what do you do now to solve that crisis and try to turn things around? You don't reinvest in the public service in this province. You don't do that. You abandon the public service. What do you do? You privatize. I think that is very disrespectful to the good citizens of Ontario.

I truly hope that some of you on the opposite side will start to—I don't think you will, because you're like ants following the leader. What the leader says and what the centre says, you follow and you do. But I urge you to go out and talk to your constituents. Ask them what damage Mike Harris has done to their lives.

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Mr Martin:** I want to comment on the speeches just made by the members of the Liberal caucus and to suggest that this caucus will be certainly be in line with them in voting against this bill.

I hear and certainly agree with the comments of the member for Toronto Centre-Rosedale when he suggests this government is out of step with many other jurisdictions across the world today as we recognize the need for ever more vigilance and for government being directly responsible, particularly in areas of safety. This bill certainly fits that description in many serious and important ways. For this government, as it has consistently done over its term in office, to be simply ignoring the reality and the facts as they present themselves and to be saying one thing consistently over its term about things the public has some concern about, and be taking advantage of strong sentiment out there after some devastation happens—and we've had a number of instances of that, none more dramatic or more negatively affecting so many innocent citizens than that of September 11, however—and then in pursuit of its ideology and campaign strategy to simply privatize everything that moves, regardless of the effect it will have on our ability to monitor that which calls on us to be concerned about safety, has to raise some serious issues for thinking people out there across the province.

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**Mr Marcel Beaubien (Lambton-Kent-Middlesex):**

It's a pleasure for me to speak for two minutes tonight on Bill 65, which improves customer service for road users. When I listen to the member from Elgin-Middlesex-London talk about six years of destruction and water and public service, and then the member from Toronto Centre-Rosedale talk about the events that happened in the States and the close link, trying to make political hay of the event that occurred on September 11, I find it somewhat disgusting. When we look at what's happened to the States, you seem to have some type of bored feelings with regard to the Americans. But when we look at what occurred on September 11 and we look at the way the Americans have reacted to it, I think they've unified. Over here you're trying to put a wedge between people in Ontario with regard to that particular situation. I find that totally irresponsible.

Then he talked about eliminating the risk, and he talked about airports. I don't know what the provincial government has to do with regard to safety at airports. But whether it's a federal jurisdiction or a provincial jurisdiction, you cannot eliminate the risk. You may be able to manage the risk, but for anyone on that side of the House to expect any government to be able to eliminate

the risk—I would expect that from the Dalton McGuinty Liberals. I would strongly suggest to the members on the other side of the House that we can manage risk, we can reduce risk, but to have the assumption—as a former insurance broker and a lawyer, the member from Kingston and the Islands knows very well that the elimination of risk is impossible. Any time you want to discuss any other issue, I'd more than welcome tackling you on that.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I want to thank the member for Elgin-Middlesex-London. The member is right when he says that the safety of Ontarians could be in jeopardy. I can tell you that we've had a good service. We still have a good service, but the government hasn't staffed our centre properly at the present time. In my own riding, Hawkesbury has a driver testing clinic, Alexandria lost their's because the government didn't want to staff it, Rockland only has it every second week, Casselman only has it every second week. I just wonder what's going to happen when the private sector takes this over.

The government is supposed to be there to give service to Ontarians. At the present time, we know this government is trying to get away from all those services. Also, at the present time, I think the system is working pretty well, even though at times we are on the waiting list. But there is a central bank controlling the appointments at the present time. There are times when there are cancellations. You don't have to go and tip those people to make sure you're the next one on the list. They understand that sometimes people have to travel long distances to go to work. There have been some mistakes by doctors at times, entering the names into the computer and then all of a sudden they find out that they made a mistake. We would probably have to travel to Ottawa, 100 kilometres for some people coming from Hawkesbury. So I'd just say that when we privatize this type of service, we are looking at the possibility of reducing services in the rural areas.

**Mrs Julia Munro (York North):** I'd just like to comment on some of the concerns that have been raised with regard to the question of security. I would like to draw the member's attention to the fact that this piece of legislation has been recognized by the privacy commissioner. I'd like to, for the record, quote part of the letter that was sent. It begins:

"The manner in which private service providers have been made subject to the Freedom of Information and the Protection of Privacy Act is laudable.... This legislation, as well as the process through which privacy has been addressed, will serve as a good example to other government institutions, in the event they decide to provide services through private service providers."

I want to draw this to the attention of the members, because I think it speaks to some of those issues that had been raised earlier in the debate. This is a piece of legislation designed to provide improved customer service. It's also a piece of legislation designed to protect those very customers. I think the kinds of things that have been put in place in this legislation demonstrate that we will

provide the regulatory framework to ensure the best service to the customers and at the same time we will ensure that the privacy of those customers is respected.

**The Acting Speaker:** The member for Toronto Centre-Rosedale has a chance to respond.

**Mr Smitherman:** I just want to say to the member from Sault Ste Marie and to my colleague from Glengarry-Prescott-Russell, I appreciate their comments. Their commitment to the provision of services to their constituents is well known. To the member from Lambton-Kent-Middlesex, who has since left the chamber, I would say with his record on Ipperwash, the word "irresponsible" thrown back at me rings a little hollow. I was looking forward to hearing from the member from York North about what happened to those long-term-care beds that were promised in Vaughan-King-Aurora and ripped from her hands in a desperate attempt to hold on to that riding. I wonder if those have been given back subsequently.

I want to repeat my challenge to the government. You can use the word "irresponsible." It's fine. I think I asked an excellent question. I'm sure the legislative assistant to the Minister of Transportation, who sits over there, wrote it down and is going to have that in the briefing book for tomorrow. I'm not suggesting that I know the absolute answer to this, but the government this week went out and appointed two people in whom we're supposed to have a lot of confidence to be the security czars in this province. Given that they didn't know, other than that the Premier called them by phone and said, "We'll get back to you later with the details"—fly-by-night government that we've got here—I want to know that this bill has been vetted through them, then. Because it involves the provision of a valuable piece of identification, and to call me irresponsible for raising questions about the new reality, the new context in which we're operating subsequent to September 11, strikes me as irresponsible from the government side.

This bill should be withdrawn and it should be reviewed in that context. This is a government which has a record for six years now—it can talk about the lost decade, but for six years now, they've been the government. During that period, they did an extraordinary disservice to tens of thousands of their own clients in a scandalous action at the Province of Ontario Savings Office. On that basis, it is our job to ask these questions. When will they be answered?

**The Acting Speaker:** Further debate?

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**Mr Martin:** I want to begin my 20 minutes this evening with some comments on the particular bill in front of us, perchance that people out there watching may not completely understand what it is that this government has announced and is proposing to do.

The government has announced that it will privatize a range of products and services now offered through its network of driver examination centres. These functions will be carried out by an existing network of 281 private driver and vehicle licence issuing offices across Ontario



and include routine licence issuing functions. The government says this move will not result in the layoff of any permanent staff, although contract staff may not have their contracts extended.

More importantly, this government has also announced that they intend to privatize driver examination. That's where this bill comes in. This includes vision testing, knowledge testing, photographs for photo-licence cards, road testing and road test appointment booking.

OPSEU, the workers in this field at the moment, says this could mean the loss of some 900 jobs.

The government will put out a request for qualifications, followed by a request for proposals, in an attempt to find an appropriate private sector operator. They expect to have this process complete in about a year.

The bill has narrowed the range of Ministry of Transportation functions to be privatized compared to last fall's version of the bill. They have explicitly stated in section 2 that the privatization is restricted to delivery of services of a road user program and that the power to make regulations or establish program standards or policies will not be delegated. In addition, enforcement of standards on commercial motor vehicles also cannot be delegated.

The ministry will write terms and conditions of a delegation which must go through cabinet, permitting among other things—and it's important for people to pay attention to this—fees to be charged to the public and granting the delegate access to specific ministry resources, including databases for the purpose of exercising or performing the delegated powers, duties or responsibilities or providing ancillary services. It's an important point to remember, and I'll return to it a little later in my comments.

The fact that there are going to be 900 jobs in the public service lost; the ability to charge fees and, I suppose, because we have a track record here, to increase those fees; and the granting of access to specific ministry resources, including databases for the purpose of exercising or performing the delegated powers, duties or responsibilities or providing ancillary services provides a window for some interesting further developments by this government and its partners out there in the private sector.

Sub-delegations are allowed, but the minister must OK them and can have the sub-delegate report directly to the minister. The minister can unilaterally amend or revoke a delegation agreement. The Freedom of Information and Protection of Privacy Act applies to the private sector delegate, and the delegate shall appoint a privacy officer to safeguard the records. This is a new feature of this bill.

The private sector delegate shall provide the minister with an annual report.

The minister or ministry cannot be sued for any act of the delegate. This is another interesting piece of this bill, not inconsistent with other pieces of legislation that this government has passed in its attempt to walk away from, turn its back on, its responsibility and to put in place provisions in law that relieve it of any accountability in

instances where the people delegated may find themselves in difficulty or in contravention of the law.

The ministry, of course, cannot be sued for any act of the delegate, as I said. The ministry can't be sued for anything done in good faith. A delegate who knowingly contravenes the act, regulations or delegating agreement is liable to fines of up to \$100,000 a day. Officers, directors, employees or agents of the delegate are liable to fines of up to \$25,000 a day for the same contraventions. But there's a wide chasm between that and what it is the government will be held responsible for if something should happen.

The government likely sees this as a way of simultaneously cutting the cost of adding more driver's licence examiners—there is currently a waiting period of up to six months for a driving test—and reducing their own political responsibility for it by making it the responsibility of a private delegate. It could backfire if the private operators are shown to be corrupt or sloppy, because public safety is indeed at risk here. That has been mentioned a couple of times this evening by other members of this House.

It's not beyond the realm of possibility that private operators may be susceptible to bribes or other inducements from people who badly need licences for work or other purposes. This possibility increases if the staff are poorly paid.

Initially, the OPSEU collective agreement requires current employees to be offered jobs at no less than 85% of their current pay. Over time, however, especially if the privatization takes place in a way that makes it hard to unionize, these conditions could deteriorate. I'll refer to that a little later.

While user fees and selling of licence-holder information to third parties are both features of the current system, one can imagine the government making it easy for private operators to raise fees substantially. They let the new owners, for example, of Highway 407 raise tolls within months of its sale. They did this to get a higher price for the treasury. While this may benefit the taxpayer, in the long run it increases costs to the direct user. Interestingly enough, the direct user is this same taxpayer. So you can get it out of one pocket or you can get it out of the other pocket, but it's the same person wearing the pair of pants.

An October 30 story in the London Free Press says that some unregistered and unregulated truck driver training schools do a very poor job and increase their fees if they discover a student is there on a federal grant. The Ontario Trucking Association says, "There are ... few, if any, legal requirements on how they"—the unregistered schools—"do the training and the qualifications of their instructors." That should be reason enough for some concern, anxiety and alarm where this bill is concerned.

A September 28 story in the St Catharines Standard says the province is cracking down on driving schools. Minister David Turnbull says the ministry is concerned about the possibility of fraudulent certificates being sold to new drivers. In Quebec, the employee of a private con-

tractor involved in licence issuing—not driver testing—gave out driver's licence information to the Hells Angels. They used this to track people they later shot, including Michel Auger. Three people were murdered and four survived murder attempts.

A 1998 MTO study found that drivers who took an approved driver training course had a 45% higher crash rate than those who didn't.

We in this caucus obviously will be opposing this bill for the reasons I've just outlined. The government thinks the solution to long waiting times for driver exams is to privatize. That will mean examiners who are poorly paid may be unreliable. This could have serious implications for road safety.

With private driving schools under investigation for poor performance by the ministry and private truck driving training schools being accused of ripping off their students, the ministry might want to fix the private parts of the system before throwing more of its customers to the wolves. In Quebec, the Hells Angels got hold of driver records through a private contractor and used the information to track down people whom they shot. Is that the example we want to follow in Ontario?

The bill allows the imposition of new user fees on the public. It also allows the private operator access to ministry databases. This sounds like the 407 all over again.

To put this bill into perhaps a little bit larger context, I want to focus now on the question that has been raised here in the House and has been raised previously and is being talked about out there, this issue of private versus public and whether in fact we should be going down that road.

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The member across the way at one point this evening asked for those of us on this side to provide examples of where the private sector delivery of previously publicly delivered services in this province has in fact turned out to be more expensive, more damaging or more detrimental or caused problems for the public in accessing service and participating in the life of this province, whether it be economic, social or for health reasons.

One example I put out to you, Mr Speaker—and you were here when this was done and you remember the arguments that were made—was the dismantling of a very important and central service to those who live and carry out work in northern Ontario, and that was norOntair, a service that was run very efficiently, very effectively and very safely under the public sector, under the Ontario Northland Transportation Commission, a service that was recognized across the country as one of the best available, making air transport available to almost every community of any size in northern Ontario, connected and coordinated so that when there was a pickup and you landed in a bigger centre, you landed within minutes of being able to get on to another plane to take you to Toronto or Winnipeg and to move on from there, if that was your desire.

The government of the day argued that if we got the government out of the business of providing this service,

the private sector would simply come in and pick up the slack, would move into the room that was vacated and deliver a service that was as coordinated and connected, that would offer a service that was as efficient and cost-effective to the public as anything norOntair could provide.

Alas, the reality of today is that most of those smaller communities particularly that were serviced so well by norOntair find themselves without air service. The ones that do have service provided now by the private sector have it very sporadically, have it in a way that doesn't connect it as effectively as norOntair did to those other services that took them on beyond some of the bigger communities in northern Ontario.

There's a perfect example of where this government, in its drive to privatize and to downsize government and its involvement and to reduce the so-called cost to government of providing services to people, wiped out norOntair with the expectation that the private sector would come in and take over and in fact it didn't happen. We're worse off because of that. That's just one example.

Another example of course is highway maintenance and the provision of highway maintenance. My colleague M. Bisson last night spoke at length in this place about those issues, how the argument was made by this government that turning the care and maintenance of our highways over to the private sector would be more cost-effective, that they would do a better job and on and on, when in fact we know, those of us who live in northern Ontario, that is not the truth. We have more instances now in the north of highways being closed because it's just too expensive for the private sector to bring in the kind of equipment and people needed to keep highways open when there's a major storm that goes on for a significant period of time compared to when the Ministry of Transportation was overseeing that, I might say in partnership with the private sector. Those highways were kept open most of the time. It was the rare exception, driving up those northern highways, that you would find a highway closed. Now it's a regular occurrence in my part of the province.

Not to speak of the auditor's report on the provision of provincial highway maintenance and the fact that he points out that it has cost up to, in some instances, 20% more to provide the kind of service that we now experience in the north delivered by the private sector than it did under the public sector, which debunks any argument that the members across the way might make that in fact providing services to the public of Ontario using the private sector is more cost-efficient and cost-effective. In the example of our highway maintenance, that's turned out just not to be true.

Just to reflect again for a minute on comments that I made earlier, Highway 407 is also another example of this government turning over a public piece of infrastructure to a private operator who then in turn increases the cost of those tolls so that on the one hand, yes, you get a one-time lump of money into the government to do some things that perhaps you need to do. In this instance,



this government, of course, used that to continue to give money away by way of the tax break, only to then turn around and have to allow the private sector operator, in order to cover his costs, to charge ever-increasing tolls on that particular highway.

I don't want people to get me wrong here. I think there are some things that the private sector does well and should be allowed to do and should be encouraged to do, and we should be supporting them in doing it. As we look at what's happening in the economy today and the softening of the business environment that we now find ourselves in, there are lots of things that this government could be doing to support private sector interests that are appropriate in this province. That support is desperately needed, but the government is reticent, or doesn't have the capacity, to respond and to be helpful in that way. So they continue down the line of this privatization scheme and say, "We're doing enough. That's what we're doing, that's our contribution, and we don't need to do any more."

But there are many things—many things—in the interest of public safety, in the interest of public health, in the interest of making sure that everybody is included and involved in the interest of protecting the basic rights and dignity of individuals that the public sector should—and in my view, have to—do, and that actually the public sector does better and in a more cost-effective way. There are some things, particularly when you consider, as in this bill, the protection of public safety, the ever-increasing need for government to be vigilant where public safety is concerned, that government delivers and should be accountable and responsible for delivery of. This is, in effect, a perfect example of that.

In my mind, instead of announcing ever more privatizations of public services and ever more tax cuts, this government should be sitting down with people and consulting them and starting to develop a long-term process and planning process so that we might in fact get our heads around some of the challenges that confront us today as government, as the world changes as we speak, so that we're not knee-jerk responding to very important issues, that we're not simply operating out of ideological leaning, but that we are in fact doing everything possible, whether it's in the private sector and supporting the private sector in the delivery of a healthy and robust economy or whether it's in the delivery of public services, such as protecting the safety of drivers on highways and everybody else who finds themselves in need of the use of our public transportation systems.

This bill is an example of how this government plans to stimulate—and has been stimulating—the economy. Perhaps a little later I can expand on that, but for the moment, suffice it to say we will be voting against this bill because we don't think it's in the public interest.

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**The Acting Speaker:** Thank you. The member's time has expired. Comments and questions?

**Mr Galt:** I was intrigued by the presentation I was just listening to from the member for Sault Ste Marie. I

hate to disappoint him, but that was one of the poorest speeches that I've heard in this Legislature and it was disappointing in the content. I think he could have put more into that; he could have stuck more to the topic.

Nevertheless, in spite of that disappointment, I was hearing him talk about things like privacy. Well, if he looks at the bill and he reads that bill, he'll find it in there. There's the freedom of information and the right to privacy. Part of that legislation moves with it, and whether you're in public or in private, that right to privacy is there. They'll also be required to have a privacy commissioner in such an organization that would be carrying out these tests. So I think that's null and void.

He talked a bit about safety. If he'd been listening to the presentation I made earlier this evening, he'd understand that safety is a big issue with this government. We're very concerned about it. Just have a look at what's going on with our highways, the safest highways in Canada, second safest in North America, second only to Massachusetts. Some of the things we've been doing with those highways are putting in centre barriers on our four-lane highways, putting in rumble strips, putting in cat eyes, spending more money on highway construction than has ever been spent in any one year in the history of this province. We've been doing that consistently. The highways in northern Ontario, in your area—you should be appreciating that—have never been in better condition. You realize that. Winter and summer they're in better condition. That's the kind of safety record that this government has, and we intend to continue with it.

**Mr Alvin Curling (Scarborough-Rouge River):** I just wanted a few minutes to comment about this bill.

Here this government goes again. It wants to privatize everything. As a matter of fact, when they came into power they wanted to abdicate their responsibility as a government to govern properly. So what did they do? They talk about delegate, but really what they mean is to abdicate, and furthermore, their delegating means to sub-delegate. As a matter of fact, I don't see how this will help in any situation.

The bottom line basically, any time we privatize anything and the private sector has taken over, is for them to make money. It's not about safety or what have you. I think it's about making money. So what you have done, you've maybe cut costs in all kinds of corners.

You wonder, for instance, if this government hasn't learned. You can see in Walkerton what happened there, and it speaks for itself. They're stumbling all over. As a matter of fact, we had deaths in that process. It's awful what happened there, privatizing water. They try to privatize prisons, and the same thing's going to happen.

The bottom line is all about making money, and here we are going ahead again to privatize this section of the motor vehicle issuance of licences. We see the review that's going to go on about how we have security. Even in airports, although it doesn't fall under them, we have to realize that much of that was privatized, and what has been done? The bottom line again is to make money, so

what they have done is recruited individuals who are not well trained.

I think this government will wake up one day and realize that selling off its responsibility—that's why democracy is such an important role in here, because the next time the election comes around, the people will understand that they don't want to govern. They want to pass on most of what is happening to their friends. Maybe it's about making money for their friends, not at all about protecting the interests of the public which they should be governing. I think they should take another look at what they're doing and start to govern.

**Mr Chudleigh:** The member for Toronto someplace didn't speak too much about the elegant remarks from the member for Sault Ste Marie, but he did mention a number of times what the government was doing in privatizing many of the services.

I thank the member for Kingston, who wanted to hear my comments. I'm sure the member for Kingston is as upset as I am at his former city, the city of Kingston, of which he was mayor at one time, and did a marvellous job, I understand. They perhaps should have put a little more money into sewage treatment plants, because they are still dumping raw sewage into Lake Ontario. I'm sure you're as upset about that as I am. But if you had done a little more when you were mayor perhaps, who knows what might have happened.

Mr Martin from Sault Ste Marie was eloquent, as usual. He seems to have taken on a new aura since he's shucked his robes and become a broader-speaking member. He certainly recognized that there are some parts—this is a huge movement for this member—of the public service that perhaps should be privatized. I think I heard him say that. I think that's a great step forward for a member of the NDP.

#### *Interjection.*

**Mr Chudleigh:** We can check Hansard in about a half an hour. I'm sure I heard you say that, member for Sault Ste Marie, and I congratulate you on it because I think that's a huge step forward for you, to admit that there are some parts of the public service that should be privatized.

This is one of them. You see, taxpayers deserve to have the money that they give to government respected, and that's what this government does. It respects the money that taxpayers—

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I just want to make the point, and I want to agree with the member for Halton, that taxpayers, who in this case have \$925 million taken out of their pockets annually by the provincial government for motor vehicle registration and other fees, should be getting more value for the nearly \$1 billion they are paying than they've been getting over the last number of years. That's my basic complaint: that we are, as motorists, paying a buck to the provincial government and we're getting about 15 cents' worth of service.

**Mr Chudleigh:** We're changing that.

**Mr Conway:** Yes, you're changing it, and I will say again, as somebody who represents rural Ontario, I expect that for the rural parts of my constituency, the service, which has been deteriorating for the last number of years, will get only worse. I've got the CCAC example of the last five years to make that point. I may be wrong, and I'm quite prepared to be proven wrong. But I want to say again tonight that in this fiscal year, the Ontario provincial government will take \$2.3 billion in the gasoline tax, will take another \$550 million to \$600 million in the fuel tax, and we will take \$925 million approximately in road-related fees, totaling \$3.8 billion. Those are taxes. We are not putting anywhere near those kinds of monies back into the highway program or things like driver testing.

Much is said about the highway construction program. It is 20% less this year than last year, according to Mr Flaherty's budget. No more than 40% of the road-related taxes are going—

**The Acting Speaker:** The member's time has expired. The member for Sault Ste Marie has two minutes to respond.

**Mr Martin:** I want to thank the members for Northumberland, Scarborough-Rouge River, Halton and Renfrew-Nipissing-Pembroke for participating in this discussion this evening.

I want to ask the member for Northumberland if he ever simply considers himself just a great big bag of wind, because certainly that's the way he presents in this place. I want to say to him, in response to his comments earlier about the jobs that this government has created, that most of the jobs this government has created have been jobs that they've killed in the public sector and then divvied up into part-time positions and then announced and taken credit for in terms of new jobs initiated and put in place. Any fool could do that.

The member for Halton suggested that I said there are things that the private sector should be doing that are actually in the public realm. That's not what I said. Just to clarify it for him and to make sure that he's not confusing the public out there, what I did say, because I have it written down here, is that there are some things the private sector does well, and it's too bad this government doesn't support them in that and provide some service and some help, particularly when you consider what's happening with the economy out there right now. All the indicators are indicating that now that the US economy is going into the tank, the Ontario economy is rapidly following suit, which suggests that what we have been saying in here, that this government has been simply riding the coattails of the US economy, is in fact true.

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I also went on to say that there are many things, and I mean many things, that the public sector should and has to do. In fact, there are many things that, if it hadn't been for the public sector, wouldn't be done, and that the public sector actually does better and in a more cost-effective way.



### **The Acting Speaker: Further debate?**

**Mr Garfield Dunlop (Simcoe North):** I have to say it's great to be back in the House after the September 11 catastrophe or terrorist attacks in the United States. We're hearing the comments already in the last couple of days and the debate's open and there's criticism on both sides, but on the other hand I think it's so important that we have this opportunity. So many places in the world don't have this opportunity. I just wanted to make that short comment on the fact that we are very special here and I think we should appreciate it.

As the honourable members know, our government believes that for the most part the proper role of the government is to manage public services rather than just strictly deliver them. In our 1999 Blueprint document and again in this year's speech from the throne, we promised to explore alternative approaches to service delivery.

Alternative service delivery of public services is an important part of the government's commitment to accountability. We have also pledged to provide high-quality services to Ontario taxpayers while ensuring they receive value for their money. Through alternative service, we ensure that the services received by taxpayers are modern, safe, efficient and cost-effective.

I can tell you that my cabinet colleague, Transportation Minister Brad Clark, has worked hard to make this a reality. I want to congratulate Brad for bringing forth this bill. He was a new member of our government in 1999. Brad has worked very hard. He started out in his role as parliamentary assistant to the Minister of Health and has worked with Brian's Law. I'm glad to see that as the Minister of Transportation he is moving forward with a number of projects and initiatives. I'm pleased to be able to say a few words about this bill this evening as well.

In this province there are currently more than eight million licensed drivers out of a population of 11.5 million. Growth in population is estimated at an additional two million people by the year 2015. There are currently more than nine million registered vehicles in our province. These numbers continue to grow every year. I think you can see that in our highway system. No matter where you are in the province, there seems to be more and more traffic at all times. There are more and more drivers, and more vehicles as well.

A large part of that growth is due to the overwhelming economic success of our province. I don't think anybody would argue with the fact that we've had great economic growth, and we as a government like to take a lot of credit for the success in the economy that we've seen over the last five or six years. It demonstrates that this government has put the right economic building blocks in place by focusing on sound financial management, a competitive economy, jobs, and certainly growth.

As our population continues to grow, we will find increased demand for driver services. The Ministry of Transportation is responding to an established need. For these reasons, I am very pleased today to lend my support

to the Improving Customer Service for Road Users Act, 2001.

This bill is designed to improve customer service to the public by permitting the Minister of Transportation to transfer the delivery of some road user services and programs to other providers. At the same time, the proposed legislation would still mandate the minister to protect the public interest.

The government would monitor new service providers to ensure they comply with existing and future legislation. As well, it would rigorously audit the performance of all new service providers to ensure that the public is receiving services that are safe, efficient, effective, consistent and, of course, fair. The bill includes important provisions to protect the privacy of individuals and to safeguard the confidentiality of their personal information.

Under the proposed legislation, alternative service providers would be required to provide the provisions of the Freedom of Information and Protection of Privacy Act with respect to their actions on behalf of MTO. Additionally, alternative service providers would be mandated to create the position of privacy officer. The privacy officer would be responsible for securing all customer records related to the delegated business. I am very pleased to advise the members of the House that this legislation has received accolades from Ontario's own Information and Privacy Commissioner.

I want to stress that as we transfer the delivery of services to other providers, road safety in this province will not be compromised. Indeed, the safety of all road users remains a high priority for this government and for the Ministry of Transportation. In fact, in terms of road safety, I am pleased to let the honourable members know that Ontario has moved to first place in all of Canada. In fact, in North America, Ontario is second only to the state of Massachusetts.

When I heard comments from the member from Northumberland, he talked about the barrier they'd created on Highway 401 out in Northumberland county, and MTO has done the same on Highway 400. These are major construction projects costing literally hundreds and hundreds of thousands of dollars, simply for the fact that we can create the barrier to make it much safer for people travelling on the 400 and the 401. I know those are ongoing projects, as they extend that barrier in the north, easterly and westerly directions.

Even though there are more vehicles and licensed drivers on roads than ever before, Ontario has the best record in Canada, with the fewest number of fatalities per 10,000 licensed drivers. The priority this government has placed on road safety in the past several years has contributed to this important achievement. We have implemented new road user safety programs, including an immediate 90-day suspension for drivers who have been drinking, the impoundment of any vehicle being driven by a person who is suspended under the Criminal Code for driving-related convictions, the impoundment of critically defective commercial vehicles and higher

finances and sanctions for a wide range of offences. Of course, I'm very pleased that when we get to Bill 131, the private member's bill I introduced last year on the ignition interlock, it will add another dimension for people who drive under the influence of alcohol. That too will improve the amount of safety on the roads of our province.

Our fatality rate in 1999 dropped to 1.10 per 10,000 licensed drivers, marking the 11th consecutive year of improvement. It goes without saying, however, that even one road fatality in our province is one too many. Clearly, road safety is a priority that is being addressed through a commitment by MTO to the highest standards possible in developing and delivering effective programs.

Part of delivering effective programs is providing quality customer service. The ministry has already made some significant customer service improvements that will address the growing population of Ontario drivers. MTO has hired more than 300 driver examination staff on a temporary basis. The ministry has also opened temporary driver testing facilities and expanded the hours of operation at several provincial testing centres. As a result, MTO was able to offer more road tests and we reduced the average waiting time province-wide for driver examinations.

But it was also clear that we needed to do more. That is why the transfer of driver examination services to a new service provider is being considered as the first major initiative under this bill. It is clear that alternative service delivery of driver examinations would bring innovation and greater flexibility to the way the services are delivered. Under a new service provider, MTO is committed to reducing the wait time for road tests to six weeks or less across our province.

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As the honourable members know, this government has already taken a number of measures to address the growing service pressures around driver examinations. In particular, we have sought to reduce the long waiting times faced by people in some parts of the province when booking their driver exams. We have made clear progress in this regard, but we also believe there is further room for improving service delivery.

By transferring the ministry's driver examination business to another service provider, MTO would build on the customer service improvements that have already been achieved and offer enhanced service to the public in the future.

I mentioned earlier the support my cabinet colleague received from Ontario's Information and Privacy Commissioner. We are proud of this support. Similarly, support was received from other parties interested in protecting the public interest and improving customer service for new drivers.

Canada Safety Council president Emile Therien said, "Privatizing driver testing makes a lot of sense. It will improve safety by providing testing when it is needed. Driver testing is a government function which can and should be privatized in the interests of safety."

The Insurance Bureau of Canada had similar praise. Mark Yakabuski, the bureau's Ontario vice-president, says, "Allowing alternative service delivery for driver examinations will solidify the enormous success that Ontario's graduated licensing program has already achieved in its few short years of existence. We hope that other jurisdictions will emulate Ontario's leadership in this important area."

The Ministry of Transportation has done its homework and has studied how driver exam services have been improved by the private sector elsewhere. Jurisdictions like Alberta and Michigan report high customer satisfaction. MTO learned from those jurisdictions' successes and from their failures. As a result, we can be confident that our made-in-Ontario solution for the delivery of driver exams would reflect the best of all experiences.

Although the transfer would affect many MTO staff, we can also be confident that a new service provider would need and want to take advantage of the considerable skills and professionalism of our existing staff. A new provider of driver examination services would need a flexible, multi-skilled workforce, people who can perform in a high-demand environment with new and changing relationships. Job offers, as required under the collective agreements of those affected staff, will be a mandatory part of any contract with a service provider and many MTO driver examination staff may find job opportunities with the new employer.

As the Minister of Transportation advised the House when he introduced the bill for first reading, the proposed legislation has been written to address a number of important issues. For example, as part of the driver examination model, provisions would be in place to ensure that driver testing in Ontario continues to be fair and objective. As well, checks and balances would be in place to ensure that drivers who receive a driver's licence from the province continue to be required to meet Ontario's high standards for driving skills, as well as knowledge of the rules of the road.

Clearly, under a new service provider, the benefits to our driver examination programs would be wide-ranging. For instance, the new system would provide support to, and enhance, Ontario's graduated licensing system. In itself, the graduated licensing system has been an unparalleled success story since it was introduced six years ago. A new service provider would help this program continue to build on its successful track record.

To ensure that driver testing in Ontario is delivered consistently in all parts of the province, the ministry would seek a single service provider to deliver driver testing services province-wide. Taxpayers would know exactly who is responsible for providing these services and who is accountable for their timeliness, cost and quality.

Under this new service delivery model, MTO would continue to play a vital role in the licensing of drivers on the province's roads. The ministry would establish the standards and curriculum for driver licensing. It would also train the service provider's trainers. And MTO



would ensure the service provider's compliance with all of its legal and contractual obligations.

As the service manager, the ministry would continue to develop policy, legislation and regulations on driver examination services, just as it does today. Moreover, the government would continue to set regulated fees, including the fees charged for driver testing.

Under the new service delivery model, the service provider could elect to offer new, value-added services to the public and would have the right to determine what fees it would charge for those services. However, those services would first require approval by the Ministry of Transportation before they could be implemented.

As I said earlier, alternative service delivery is all about serving customers better and finding more flexible and innovative ways to deliver the services. It's about dealing with growing demand in ways that are smarter and more effective. The Ministry of Transportation will continue to be responsible for establishing quality standards throughout Ontario's transportation sector and for ensuring that every driver who receives a licence is qualified to hold one.

I want to make a few comments about some of the questions around Bill 65; for example, why did the government introduce Bill 65 in the first place? It's partially because we're committed to improving customer service. The Common Sense Revolution, as I said earlier, and the Blueprint promised taxpayers a smaller, more efficient government. With this legislation, we are keeping our promise. The bill is designed to improve customer service without compromising safety. The legislation gives the Minister of Transportation the authority to transfer the delivery of some road user programs and services to other providers. Under the legislation, the minister would continue to safeguard and protect the public interest.

The legislation supports the government's role as a manager, rather than as a deliverer, of public services. The bill reflects the government's intention to focus on setting quality standards and monitoring and rigorously auditing service providers to ensure compliance with all obligations.

Why is MTO exploring the transfer of driver examination services to the private sector? First of all, we are committed to improving customer services. Without compromising safety, transferring the business of driver examinations would improve customer service. Road test wait times would be reduced to six weeks or less across our province. We would continue to set fees for driver exam services. We will seek one service provider to deliver driver examinations to ensure consistent delivery of services. We will continue to safeguard the public interest by regularly monitoring and auditing the service provider. We will further protect the public interest by requiring the service provider to abide by the provisions of the Freedom of Information and Protection of Privacy Act. We will continue to establish and enforce quality standards to make sure Ontario drivers continue to be highly qualified.

Why is the ministry potentially outsourcing selected functions of MTO's back office in Kingston? Again, without compromising safety, transferring selected Kingston back office functions will improve service delivery. We will issue RFPs to seek service providers. We will continue to safeguard the public interest by setting standards and regularly monitoring the service providers. We will further protect the public interest by requiring the service providers to abide, as I said earlier, by the Freedom of Information and Protection of Privacy Act.

There have been a lot of cases working with the public, the private sector and MTO in the past. I know both of the opposition parties have worked, over the past 20 years, with the private sector in the maintenance of our highways. In all three parties, that was an agreement MTO had with a number of different service providers. As well, we count on the private sector to construct our roads and they do a great job across our province. As to the rules that exist today and the contractors that maintain our highways today, I beg to differ with the member from Sault Ste Marie. I think they're doing an excellent job across our province. I travel a number of the major highways on a frequent basis, particularly Highway 400, and it's always in immaculate condition as far as I'm concerned.

We have done a lot of work in the past with the private sector. There's nothing wrong with the private sector. They do good work. The words "private sector" are not dirty words, although I gather that from a lot of comments that are made from across the floor.

Our government remains committed to examining the province's assets and the services it delivers to the public. If there's a better way to deliver those services, rest assured we intend to pursue it. This bill will get us closer to that goal and I ask for the full support of this House on second reading and hope to see it passed eventually and approved by all three parties.

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**The Acting Speaker:** Comments and questions?

**Mr Conway:** The member makes a very predictable—and I'm sure he believes everything he said—argument. I was just reminded as he was talking about a couple of things, and I certainly have no problem with the private sector; it has an extremely important role to play and we've engaged the private sector over the years to do all kinds of things. I guess my complaint and my concern continues to be, we have been picking the pockets of the motoring public to the tune of billions of dollars a year and we just simply will not put anything like the required amount of that money back into the services for which the tax or fee was constructed in the first place. So we've now got the sorry state of driver testing that we've got.

As I hear my friends opposite talk about their belief in the security and privacy protections, good luck. I have no reason to believe it will happen. I said yesterday and I'll repeat now, look at the POSO scam: right in front of us our friends at finance and Wood Gundy thumbed their

noses. We couldn't have cared a tinker's damn about a very serious violation.

I just wonder what John Ashcroft might think about a scheme where the ABC Corp decides to get their hands on driver testing. It would be very interesting after September 11 to see whether or not there are going to be any concerns about issues like that.

The Energy Act was passed here a couple of years ago and we have all kinds of sanctions and rules around electricity marketers. The enforcement? Virtually none. It's just a harem-scarem, catch-as-catch-can world out there. The act looks good; the speeches are wonderful. It's like water polo: you'd better not look at what's going underneath the waterline. But let us all stand up and mouth the bromides, because God forbid that we as legislators would actually be held accountable for what it is we say, along with the Tooth Fairy, is supposed to happen.

**Mr Galt:** I was particularly impressed with the content and the delivery of the speech that was just made. Here we are; the member for Simcoe North has just presented that 20-minute presentation. It's been a long time in this House since we've heard such excellent content from a presentation. He talked about the service providers out there, some of the service providers that already are looking after various things for government.

I think of the days in this House when we first started having some of the highway maintenance done by private service providers and the kerfuffle in the opposition ranks and the carrying on. I look at the maintenance of our highways today and I don't hear any complaints coming from the opposition. These are private providers. They made a lot of noise at that time, but they're not saying too much at this point in time.

He went on to talk about the private sector—brilliant speech. He talked about the private sector, that it's not a dirty word. Well, it certainly isn't and "profit" isn't a dirty word either. We're talking competition versus monopoly. We can get in there and the public sector can compete; we're not saying they can't compete. He talked about the quality—I thought it was excellent near the end there—of the 400-series highways. Have a look.

#### *Interjection.*

**Mr Galt:** I'm sure the member for Kingston and the Islands, as he drives through Northumberland, is impressed with the quality of the 401. He's certainly not impressed with the quality of what happens in Kingston when the sanitary sewer overflows and goes into the Rideau River. He was the mayor of that fine city and I'm sure he's not very proud of that. But he would be proud of the 401 as he travels through Northumberland, as he travels anywhere, from Kingston right to Toronto. The highway is in excellent shape, not like the condition it was in when their party was in office.

**Mr Peters:** I'm pleased to rise and listen to a member who continually touts the ideological horse blinders that this government wears when it comes to privatization.

Let's just look at some of this track record. The auditor so rightly pointed out in his 1999 report some of

the concerns that he expressed about privatization. Let's look at Walkerton. That's a great thing to have on your hands, the Walkerton tragedy and the pressure that you put on for privatization.

Let's talk about meat inspection and what you did to the Ministry of Agriculture by privatizing the meat inspectors. Look at the rise of illegal abattoirs that has taken place across this province. Let's look at meat grading, another thing that you privatized through the Ministry of Agriculture. What happens now? The price of hogs goes up, the index goes down. You've just made Michael McCain a very happy man. You're really doing a great job for the private sector.

The auditor pointed out the issue of road maintenance and privatization. Your vision of jails; why don't you look to the States and look at what's happened to jails? Privatization hasn't worked.

Look at what you forced on hospitals through privatization in this privatization in this province, whether it be laboratory services, housekeeping or food services; again, your drive for privatization.

Education: look at what you're doing there in your support for the private schools in this province.

Look at some of the legislation that's been introduced. Nutrient management and food safety are two examples. What's the common line all through those pieces of legislation? Alternative delivery of services; ie, privatization.

Health: look what you've done to the people of this province by delisting services, where you're forcing them to go into a two-tier system.

Your track record on privatization is abysmal. Why don't you support the public service? You're constantly attacking the teachers of this province. You're constantly attacking OPSEU in this province. Shame on you.

**Mr Martin:** We again, from the other side of the House, have heard a defence of privatizing anything that moves in this province. There are so many things that we as government have responsibility for and should be held accountable for that this government seems to be not interested in or doesn't understand.

If they wanted to delve into the intelligence of doing what they're doing in so many instances over the last five or six years that has led to putting at risk the public life and public health of this province, they have lots of examples around the world where privatization has led to less than satisfactory results. For example, in some instances the provision of power has turned out to be inconsistent and not dependable. These jurisdictions are now looking at ways that they might get back into some public ownership. The only problem is that when you turn these very valuable services over to the private sector, then you learn the lesson that so many other jurisdictions have learned: that it doesn't work, that it is more expensive and that at the end of the day the public is further at risk. It's very hard to unscramble the egg.

Some of the things that governments have done in this province in the name of trying to do things better, improve and have government evolve were always changeable by subsequent governments, so that it might reflect



the reality—the new reality often—of the day that they were in. But this government is doing things, and this is another example of it, that at the end of the day are going to be very difficult to fix once they put them in place.

**The Acting Speaker:** The member for Simcoe North has two minutes to respond.

**Mr Dunlop:** I want to thank the members for Renfrew-Nipissing-Pembroke, Northumberland, Elgin-Middlesex-London and Sault Ste Marie for their comments.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** Their helpful comments.

**Mr Dunlop:** Their fair comments. I think it's fair to say that I can understand why some of the people in the Liberal Party are having a bad week. You've seen your national leader show no leadership. The leadership surrounding the events in the United States has been directed and led by the Premier of Ontario. So I can see you're disappointed this week.

As far as your comments on privatization are concerned, I really can't understand this hatred you have of the private sector. Your former leader, David Peterson, started government agency liquor stores, and I thought that was a good move at the time. Minister Sterling is doing that today. The government agency liquor stores that Premier Peterson put in have worked well. They're run by the private sector. I don't see anything wrong with that.

There's a lot of interest being advanced in this program and in using the private sector to help a lot of small businesses. I have no problem with someone earning a profit. I have no problem with the private sector building and maintaining highways. If they can operate the driver examination centres, so be it. I think it'll work well, and I have confidence in the private sector that it will do that. I don't know of anything the government does anywhere that is run more efficiently than the private sector can do it. I think they deserve a chance, and for that reason I'm supporting this legislation 100%.

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**The Acting Speaker:** Further debate?

**Mr Lalonde:** I'm going to split my time with the member for Kingston and the Islands.

Bill 65 is called "privatizing road safety." I tend to call it, "Privatization could become risky to Ontarians." Let me state clearly that Dalton McGuinty and the Ontario Liberal caucus oppose Bill 65. We oppose it because there has been no guarantee of safety when this government decides to privatize. The Harris government is moving ahead once again with privatization of services without really analyzing the effects on Ontarians. Every time this government does this, they send out press releases stating how much money will be saved by the taxpayer, but they never mention how much it will cost the individual.

Let me tell you that the Provincial Auditor is not fooled by this line. In his 1999 report, he showed that privatization of the maintenance of our highways has not saved a single cent and in fact has resulted in significant

increases. Besides this, it put the safety of Ontarians at risk.

Let me tell you what privatization has done in my riding. On November 22, 1999, I brought to the Minister of Transportation's attention that prior to privatization of highway maintenance, each year MTO maintenance crews were on duty 24 hours a day as of November 1. But since privatization, maintenance crews must be out on our highways only 35 minutes after receiving a call from MTO. Because of this, we are seeing more accidents and, unfortunately, like the one a few years ago on the 417 near Casselman, privatization has caused two fatalities.

Where there is public interest, there should be government interest. I am very concerned that the privatizing of driver testing will result in reduced services for rural and northern residents. Will the four driver testing centres in my riding alone stay open?

The private sector is there to make a buck. I have already received a number of calls in my riding office due to the lack of time available for driver testing exams. I do believe, though, that driver testing services can be improved while keeping them public. As in other areas, such as the environment, meat inspection and construction site inspection, this government must hire more employees to serve the needs of Ontarians.

I also wonder if privatization of driver testing services will have the same impact on my riding as the privatization of radiology clinics. DiagnostiCare, a private company from Alberta, bought up all five clinics in my riding—140 in Ontario—and now they're trying to close them all down because they say they don't make any money, or they will sell the licences at a high cost. They want my constituents to go to Ottawa clinics for these services. Not only does this cost the government more money, because often patients have to be transported by ambulance, but this is not the answer to this problem as we have no public transportation and many seniors who need these services often do without them, which then becomes more expensive in health care costs.

We also have been told by our doctors that they will leave our rural communities if they do not have the services they require to serve their patients.

I encourage this government to reconsider their decision to privatize driver testing. This is nothing but a money grab. I am worried that although the basic fees will be set by the government, many people will be pressured into purchasing additional services offered by these private companies in order to pass the test. Also, do you not think it would be in the best interests of these private driver testing centres to have students fail the test and have to take a second test and pay again?

In 1961 the Conservative government put an end to private driver testing facilities to put a stop to corrupt private testing operations. I encourage this government to keep the driver testing centres as they are now, but they must ensure they are properly staffed to serve the public.

**Mr John Gerretsen (Kingston and the Islands):** I'm very pleased to get up on this bill as well. It never ceases

to amaze me how this government will never admit to anything, even things that are purely factual. Today we had an instance in the estimates committee, for example, when I asked the Minister of Health about CCAC funding in the Kingston area, where last year some \$27 million was spent and this year only \$25 million was spent. I asked him, "Is it not \$2 million less that you're spending this year?" He refused to admit that.

It's exactly the same with respect to this bill. I'm sure there are many individuals out there who might say to themselves, "Wasn't this the same bill they talked about last year, Bill 137?" And of course the people are right. In many ways this is almost the same bill we talked about last year. The reason that bill is not yet law is that it hadn't been given second reading when the session was prorogued, and so they had to start again. So here we are again.

Now, there are some changes to Bill 65, as opposed to what was contained in Bill 137. I'm sure people out there might say to themselves, "Why is the opposition always taking one approach and the government another approach, and does anything ever change?" I can tell you that things have changed. Bill 65 has dealt with many of the things we complained about that were contained in Bill 137 and are no longer there. We still do not agree with the general concept of the bill: the privatizing of driver testing services. But some of the major objections we in the opposition talked about—and I'm sure there are people out there who might think that whenever the opposition says anything the government doesn't take to it—in effect were listened to in this particular case. I'm not sure whether it was our talking or that the government realized the error of its ways, but it did make some changes to Bill 65.

Bill 137, you may recall, was a complete blank cheque to basically privatize all MTO services and safety services. Now at least we're only talking about driver testing services. There's a big difference there. The government hasn't given up on this idea that it may at some point in time in the future bring in the privatization of other road safety responsibilities, but this bill is much more limited in scale than Bill 137. So even though we don't agree with the concept of the bill, the opposition to the bill and hopefully those of us in opposition who spoke to it, had something to do with the fact that this bill was changed.

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There's another one. In Bill 137, the private testing facility operators were in effect allowed to charge whatever fee they wanted. That's the way the bill was set up. This current bill specifically states that the government sets the fees. I would say the public has won on that. The other method, which was indicated in Bill 137, was wide open-ended. There was really no government control over what fees could be charged. At least now this bill specifically limits it to the fact that the government sets the fees. They still can be whatever they want to charge, but at least there is a little bit more accountability than was contained in Bill 137.

As well, Bill 65 controls the private sector's use of private driver information to a much greater extent than Bill 137. Rather than the government coming in here and being honest about it and saying, "We have the same bill as Bill 137 that we had last year and we realize that you in opposition do not agree with the general concept of the bill, but as a result of representations that you in opposition have made," and perhaps other groups as well, "we have made the following changes to give greater protection to the general public." Did they do that? No.

It seems to me, having been here for six years, that it is almost impossible for this government to ever admit that it was wrong about anything. I've given you the example of this bill. I gave you the other example as to what happened with respect to the CCAC funding in my particular area, which has affected the services to a lot of vulnerable individuals who are coming out of hospitals and will not have those services available because there is actually a budget shortfall of \$2 million. In other words, the ministry has said, "No, we're not giving you the \$27 million that we spent for CCACs last year; we're only giving you \$25 million." The minister cannot even find it within himself to acknowledge the fact that he's giving \$2 million less.

I say to my friends opposite that if we want to have a more meaningful debate in this House on the various issues that come before us, why don't we try something totally different? Why don't you put on the line what each piece of legislation actually means and what you intend to do, and put it right out front? Then we can react to that in a much more positive and better way, because currently, the way the system is set up here, it isn't working.

The other thing that I and other members in the opposition are getting a little tired of is it seems to me that whenever a member on the government side doesn't know what else to say, they get involved in some personal attacks or personal vindictiveness. I honestly believe it behooves all of us here to respect one another and the fact that we are all elected in our own ridings, and that for whatever reason, the people of those ridings feel the person they elected here is the best to represent them at that given moment in time. I really don't believe that any kind of personal attacks of any nature whatsoever are called for in this chamber. By personally attacking other members, what we're really doing is taking something away from all of us collectively here.

Earlier today I talked about one of the implications of having a bill like Bill 65, which is all about privatization. Let's face it, I think the people of Ontario know that this current government we have, rightly or wrongly, is all about privatization. The Minister of Labour said it so well here yesterday. I looked up Hansard and I think I'm quoting him correctly. He said that the private sector can do anything better than the public sector. It's right in Hansard. I was here when he said it in the debate.

The first thing I would say to that is, if he really believes that, then that's a pretty strong condemnation of all the people who work for us here in Ontario, whether



they are here at Queen's Park or in all the various offices or who work anywhere in government. To make the blatant statement that the private sector can deliver things better than the public sector and at a cheaper cost, as he did here yesterday, I think is totally uncalled for.

I will agree there may be some services that can be delivered better privately under certain circumstances. I personally happen to believe that when we're talking about public safety issues, public safety concerns, there is an accountability aspect for us here in government, or for whichever party forms the government, to be accountable for the actions it takes in those areas. There are certain basic services, whether we're talking about protective legislation or what have you, where government absolutely is the only organization that can deliver those services, and I think this happens to be one of them.

When we give somebody the right to drive a car on the road, that is a very serious responsibility. Immediately that person potentially has the power to kill and maim people. We had better make darn sure that the person who goes out on the road has the best training and is tested in the most severe way, and that there is somebody ultimately accountable for that. The more you privatize things, the less accountability there is in the system.

I know all governments—at the federal level as well—have developed these mechanisms of setting up these arm's-length transactions or arm's-length organizations that are no longer accountable to the Legislature, so you can't ask any questions about them here. Our millennium fund is a perfect example; we call it here the innovation trust fund. You may recall \$750 million has been put into the hands of an organization that's at arm's length from the province, and therefore no minister is accountable for it. You can't ask questions about it here in the House. Federally they've got the millennium fund in much the same way. I certainly don't think the federal government handled that in the best way.

What I am basically saying is that for there to be accountability in the system, it is absolutely essential that services that relate to public safety and public welfare be delivered in the public sector. That's where you get the accountability and that's where we can have a philosophical difference in a bill like this with members of the government. We can argue about that and we can discuss that in a positive fashion. We don't have to get involved in personal attacks. Perhaps on the government side we have to sometimes admit that, yes, the members of the opposition sometimes have good ideas, as obviously was the case with respect to Bill 137, when a lot of our complaints about Bill 137 were in effect incorporated in the new Bill 65. What's wrong with that? What is wrong with the government saying, "Yes, we listened to you and we've made changes to it. You may still not like the general principle, but we think we have a better bill now that in effect protects the public better than old Bill 137." Of course there seems to be some milieu or atmosphere around that I guess a government can never admit they were wrong about something, which is a very sad state of affairs, in my opinion.

There are other people who are affected by a bill like this and I want to very briefly talk about them. I am talking about those small co-ops that have been formed by basically mentally handicapped and mentally challenged people. Many of them were set up some seven or eight years ago. I know that in the Kingston area we have about five of them. They do work for the Ministry of Transportation. They shred old licences that have been discarded. They do various amounts of, to us, perhaps tedious paperwork, but it has given the people who work in these co-ops a tremendous sense of achievement. They can go to work every day. They can do something productive in their lives that they otherwise wouldn't be able to. These organizations are under severe attack with a bill like this, because there is absolutely no guarantee that the new private operators will hire these co-ops in order to continue doing that kind of work.

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I know that the government members will say, "We are only talking about driver testing here," But the bill in effect will allow for a greater degree of privatization with respect to road-user services.

Let me just read to you from one letter in the minute that I've got left. This is from a 21-year-old in the Kingston area. This was addressed to the Honourable David Turnbull with respect to Bill 137, but much applies to this bill as well.

"I am a 21-year-old woman with cerebral palsy and I work at a co-op. I pull staples out of documents as part of records management for MTO. I enjoy my job and want to keep it. The necessary supports for me to live in the community are here in Kingston. I just cannot pick up and relocate. With my current job, I feel that I am giving back to the community and creating a worthwhile role for myself."

That individual and 49 other individuals in my community, when a bill like this passes, are at risk of losing their jobs. The interesting thing is, from information I've received from the Association for Community Living, that these individuals, if they didn't have these jobs, would cost the system, through Community and Social Services, about \$400,000 to maintain. So (1) we are taking away the dignity of these people and (2) we are perhaps not saving any monies. It is costing the system more money. I say, government, please withdraw.

**Mr Tony Ruprecht (Davenport):** I listened very attentively to the members from Glengarry-Prescott-Russell and from Kingston and the Islands, and it's obvious they make a great deal of sense. Why is that? Not very far from here is the provincial savings office, within this building in fact, of the government complex. If you want to know about privatization, put it to a test. Walk over there. You'll see that people are smiling. They're very happy to get your business. You get to know them personally after awhile because they have a few minutes to discuss your items with you. You know what? There is hardly ever any line-up at the provincial savings office, hardly ever. Take the test.

Then go to a bank. I say to you, go to any bank, whether it is a big one or a small one, go to any bank. What do you find? You know what you find, because you go to the bank yourself. You know what you find: line-up after line-up. Not only that. We are not only talking about inconvenience when we are talking about privatization. It is not just inconvenience. We are talking about service. It is the service that's very important here.

Secondly, we should know why these provincial savings offices were established in the first place. You know why? Not just for convenience, no, but because the rest of Ontario, small-town Ontario, didn't have a bank. Did the big banks want to service small-town Ontario? Did they go into small-town Ontario and open up an office, open up a branch? They didn't. That's why the province had to step in; not just convenience, my friends, but service. What we are afraid of on this side are cuts in service and savings when privatization comes in.

**The Acting Chair:** Questions and comments? The Chair recognizes the member for Elgin-Middlesex-London.

**Mr Peters:** Sorry, I didn't have my jacket on. I believe that we should have some decorum in this Legislature. It is important to do that.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Take the button off.

**Mr Peters:** No, I have permission to wear this button. This button is in support of a young lady by the name of Dani Harder. I had unanimous consent in the House today. Dani Harder is in the Toronto marathon this weekend. Dani Harder is an example of a vibrant young lady in this province who's been abandoned by the Mike Harris government. Permission has been granted to wear this button today.

Privatization: we've seen over and over again the track record of this government that privatization in this province does not work. We've seen over and over again by this government constant attacks against the public sector in this province. Since 1867, when this great province was created, we've relied on the public servants of this province to deliver the services that our citizens demand and need. But what we've witnessed in the past six years, the dark days of this province, is an unprecedented destruction of those very services. I think that's extremely sad for what we are seeing happening.

I want to take a bit of this time right now to talk about another serious piece of destruction that this government has inflicted on the citizens of southwestern Ontario today because of the lack of funding by the Ministry of Health to the London Health Sciences Centre. Today it was announced that not 14 programs were being eliminated, but 18 programs were being eliminated, and that lies on the back of this government. The fact is that the other London members did not stand up and speak up for their constituents, and that's a real shame, because this is a hospital that deals with a wide range of services. In particular, the children's paediatric cardiology program is gone and it lies in the hands and is the fault of the Mike Harris government.

**Mr Martin:** I want to commend the speaker for being very focused, in particular, in his presentation here this evening with regard to this bill and the impact that it might have on the whole question of road safety in this province, because it is a particular concern in particular parts of the province; certainly his own, where we've seen many very tragic and unfortunate accidents take place. We need to do everything in our power to reduce and eliminate the risk out there to all who use our public highways. Certainly in northern Ontario that's no different, where we have miles and miles of road to be looked after, roads that are absolutely necessary for everything that we do in our everyday life. Whether it is going to work or going for health care, recreation or whatever, we need our roads to be safe; we need our roads to be looked after, and we need those who drive on those roads to be qualified to be in the care of the vehicle that they are driving. We need to ensure those people who are responsible for making sure that that in fact is the case are of the highest quality. In order to get people who are of the highest quality, I think you need to make sure that they're being trained effectively and that they're being compensated in a way that reflects the responsibility that goes with that particular job.

That's where we on this side become very concerned, because we have example after example of governments privatizing public sector operations, turning them over to companies whose prime interest isn't the safety of people, but their bottom line. How can they make a profit on the delivery of this service? That's why they're in the private sector. I say that that is a conflict of interest.

**Mr Galt:** Thank you very much, Mr Speaker. I listened intently to the presentations made by the member from Glengarry-Prescott-Russell and the member from Kingston and the Islands. I hate to disappoint them, and I've heard some pretty terrible speeches in here, but those were probably at the bottom of the barrel. I can't imagine. The content was just terrible.

There was a lot of talk about driver licence and testing as a public service. We have so much going on in the private sector. I think of people like our physicians, most of whom are in private practice. As they've ranted and raved about the difference between public versus private, I don't think they quite understand how much private activity goes on out there serving the public good. That's one particular example, and there are a lot of teachers in the private sector who are serving.

They go on and they talk about risks to safety. I think that's been well covered. They talked about risks to privacy. You know, there's the protection of your rights in the freedom of information, that particular bill, that's all there and in place. I don't have quite the right name just quickly, but it's all in place. They suggested there might be corruption or fraud, but this is indeed going to be extremely well protected, not to mention customer service. This is the thing that we are really looking at. It is a hallmark of this government, improving customer service. We're talking about getting away from the monopoly and looking at competition. That's when customer



service really flows forward, when individuals are competing to ensure that they have customers coming to the door. Once the customers aren't coming—they have feet and they can go in the other direction. It's so important that we improve the quality of customer service to the people of Ontario.

**The Acting Speaker:** The member for Kingston and the Islands has two minutes to respond.

**Mr Gerretsen:** I'm always interested when the member from Northumberland stands up, because he always has such tremendous class about him. To refer to other members' speeches in this House as being the bottom of the barrel, or something like that, I think is totally uncalled for. This is precisely the thing I was talking about. Can't we at least have enough respect for one another in this House so that when we listen to each other's speeches, we do not have to get into the kind of personal vendetta that this member and other members on the government side get involved in? He just talked about

exactly what I was talking about in terms of showing some dignity and respect for one another.

For him to talk about fraud—neither the member from Glengarry-Prescott-Russell nor myself talked about fraud at all. You know? If the truth be known, he wasn't even here to listen to our speeches that he talked about. So let's get something on the table: let's at least try to treat each other with dignity and respect, sir.

We on this side of the House do not believe the privatization of the driver testing services is a good idea or should happen. I also said, sir, that this Bill 65 is a great improvement over Bill 137 because you took three of the items we mainly complained about, the private information and the privatization of other driver services, out of this bill. So at least for that we thank you, because you have made a bad bill at least a little bit better, but it's still a bad bill and should not be passed.

**The Acting Speaker:** The clock is approaching 9:30. This House stands adjourned until 10 am tomorrow.

*The House adjourned at 2122.*

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## Legislative Assembly of Ontario

Second Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 4 October 2001

Jeudi 4 octobre 2001



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 4 October 2001

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 4 octobre 2001

*The House met at 1000.  
Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### HOME CARE

**The Deputy Speaker (Mr Michael A. Brown):** Orders of the day.

**Clerk at the Table (Ms Lisa Freedman):** Ballot item number 21, private members' notice of motion number 14, Mrs Pupatello.

**Mr Doug Galt (Northumberland):** On a point of order, Mr Speaker: I'm very concerned about the motion that's before the House this morning. I have three points of evidence that I believe it's unfair.

**The Deputy Speaker:** Order. There is no motion before the House this morning.

**Mr Galt:** The resolution has just been—

**The Deputy Speaker:** It hasn't been moved.

The member for Windsor West.

**Mrs Sandra Pupatello (Windsor West):** The following is my resolution.

That this House:

Recognize that the Mike Harris government promised to institute "patient-based budgeting" for health care services back in the 1995 Common Sense Revolution;

Recognize that community care access centres across the province are reporting a funding shortfall of \$175 million due to a funding rollback by the Mike Harris government;

Recognize that due to this lack of funding, community care access centres have cut back on home care services affecting many sick and elderly Ontarians;

Recognize that cutbacks to home care services are forcing patients to stay in hospital longer;

Recognize that cutbacks to home care services are forcing patients to seek more expensive care in hospitals or long-term care facilities;

Move immediately to lift the Mike Harris home care funding rollback in order to allow community care access centres to provide services based on patient need.

**Mr Galt:** On a point of order, Mr Speaker: My apologies for rising earlier. I understood that once it was tabled, the motion was before the House.

There are three points of evidence of concern that I have here that I'd like to point out to you. It's a concern

of fairness and following the rules of the House. It has been laid out very clearly.

I draw your attention first to the current rules of order, page 4, section 2, the last definition under "substantive motion." It indicates that this includes resolutions, such as is before the House, and motions, and the last sentence states, "Such motions require notice and must be submitted to the Speaker in writing when moved, before being put to the House for debate. No motion shall be prefaced by recitals or preambles."

My observation of this particular resolution or motion is that there are five very distinct preambles ahead of the motion.

The other point I would like to bring to your attention is a letter that was distributed and possibly read by the Speaker at the time. It is dated April 19, 1999. It was from the Honourable Chris Stockwell, who was the Speaker at that time.

I won't read it all to you, but I'll share it with you if you so like.

In the fourth paragraph it states, "Standing order 48(d)"—which at that time refers to this section 2 in the present standing orders with the movement of different sections—"makes it very clear that no motion should contain preambles, but should simply be a concise statement of resolve that the House can easily debate and decide upon. Standing orders 14 and 45(d) also make it clear that the Speaker has the discretion to decline to put a motion he considers out of order. I am of the view that many of the resolutions that have been placed on the Orders and Notices paper in this Parliament have clearly violated the standing orders, and it is my intention to intervene and discontinue what has become an indifferently habitual practice of this House. I would note that Speakers in many other jurisdictions have faced this problem and have resolved it similarly."

Concerned with this resolution, I too submitted one yesterday—this is my third point of evidence here—and the table rejected it when I first took it to them. I then went back to my desk and worked on it during the afternoon and resubmitted it a minute before 5 yesterday. Basically it's been rewritten in the same style as the present resolution before the House and I'm told it's out of order.

So I'm pleading to the House for fairness. It has nothing to do with the motion or the content. I understand the concern there, but this is about fairness and you can't have it both ways. It should be consistent. I have brought different resolutions to the table over the years and each



time I'm told about this preamble. To me, that is what this point of order I'm bringing forward to you is about. I will respect your decision. I look forward to your response on this point of order.

**Mr Peter Kormos (Niagara Centre):** To that point of order, Mr Speaker: Every thinking person in this House knows what a preamble is, and to put it colloquially, it's "Whereas, whereas, whereas, therefore be it resolved." There is no preamble to this bill. It says, "Be it resolved that." I submit to you that this member's submission to you has no value whatsoever.

**The Deputy Speaker:** The member for Northumberland has raised some significant issues here. I'd like to take this into consideration. We'll recess for five minutes.

*The House recessed from 1007 To 1015.*

**The Deputy Speaker:** I want to thank the member for Northumberland for bringing this to the Speaker's attention.

I will start by saying that while it's possible that this motion is open to question as to its conformity with standing order 2, it has nevertheless remained on the Orders and Notices paper for some time without scrutiny, and I believe it would be improper to remove it in its entirety, denying the member for Windsor West her opportunity to bring forward an item for discussion this morning.

At the same time, the member would know the requirement for notice was waived. The member for Windsor West could have moved absolutely anything this morning that would have been found to be in order—it could have been on an entirely different matter—given the fact that notice was waived.

Considering the fact that the member's true resolution lies in the last paragraph of her motion, I'm going to consider this motion this morning. In the meantime, I am going to consider the matter raised by the member for Northumberland with respect to motions that are prefaced by recitals and preambles, and report back to the House.

I would also like to draw the attention of the member for Windsor West to standing order 2, to remind all members of the direction given by Mr Speaker Stockwell in November 1999 with respect to motions and to tell members it is the intention of the Speaker to enforce those rules in the future.

**Mr Kormos:** On a point of order, Mr Speaker: In view of what you said, and in view of the fact that you purport to report back to the House, and in view of the fact that the point of order by the member was made somewhat to the surprise of most people here, that there weren't opportunities for the respective opposition parties to fully reply, may I submit to you that the opposition parties, and perhaps the government as well, ought to have an opportunity to make further submissions on this specific matter before the Speaker considers it. That would be fair. In view of the fact that the Speaker's decision may have significant impact on all of us for years to come, I submit that it would only be fair—I would accept a time for those submissions to be made—

that we have an opportunity to prepare submissions and put them to you before you make the decision that you indicate you will.

**Mr Dwight Duncan (Windsor-St Clair):** I concur in what my colleague has said. The other point I want to bring to your attention—you referenced it—is that we have been operating under the presumption that the table will advise us. In fact, just yesterday the table advised us that a resolution of one of our members was out of order because of the preamble question.

In terms of how it's defined, we assume that when something is published repeatedly in Orders and Notices it will be acceptable to the Chair. That's been our presumption. If that is going to change, we would like the opportunity to have input to how those rules will be defined.

Again, just yesterday one of our members attempted to table a resolution and we were advised by the table that it would be out of order. In this case, it was tabled, accepted and published. I see the very next resolution by the member himself has a number of preamble points. I presume that was reviewed with respect to the standing orders that are applicable in these cases.

If the Chair is looking at those issues, we too would like the opportunity to participate, so there's understanding among all parties and all members of the House about how those rules work.

**Mr Galt:** Speaker, I want to rise to thank you for your consideration. I don't have any further comment on it. I just brought it to the floor. I'm pleased it's being looked at, and I'm pleased that you as Speaker will be reporting back maybe a better definition or re-looking at this particular activity. That's really what I was looking for, that we have some consistent rules that everybody can play by.

**The Deputy Speaker:** I want to thank all members for their suggestions on this matter. I believe it to be a significant and serious matter.

I will accept written arguments on the interpretation of the standing order and advise members to submit those to the Speaker in a timely way.

The member for Windsor West has up to 10 minutes to make her presentation.

1020

**Mrs Papatello:** I'm very pleased for the opportunity today. I want to talk about home care. I want to talk about home care in every community across the province, and what's happened to home care and home care programs since 1995.

What used to be in Ontario almost an elder care program, a supplemental program that governments, almost as a social service, used to provide to people in their homes—vacuuming services, house cleaning, meal preparation—has today turned into a virtual hospital, with the lion's share of home care services being provided across the province now in the form of nursing services. The lion's share of services are now being provided through nursing services specifically, and the lion's share of clients are those who have just been discharged from

hospital. That's a very different home care program today than what we started back in the 1980s.

Because of that significant change, the funding must follow what the demand of the service is. What happened in 1995 after Mike Harris became Premier was that he cut health services across the board. The first thing that was cut significantly, with a huge impact immediately on our community, were hospitals. Hospitals across Ontario lost operating dollars. The member from Kitchener knows full well St Mary's hospital was on the chopping block. He attempted to defy his own government up until about the last minute. The members from London certainly know what's happening today to their hospital operating budgets. We are now watching University hospital gutting some 15 programs. Why? Because of operating costs not being available.

Here we are today in the face of many, many cutbacks across health services and more and more demand being placed on the home care industry. The people who work in the home care industry know how the face of their services have had to change, even since community care access centres began in 1997. In my own community, it replicated almost every other CCAC across Ontario. Very willing volunteers who came to the floor as directors had no idea what was going to land in their lap when they had to govern services that became, not some kind of nice little social package we were helping the elderly with, but in fact significant life-saving services, the lion's share being nursing services, with the lion's share of clients now being hospital discharges.

A virtual hospital is what they're running: hospitals that go seek the clients in their homes. Duncan Sinclair—"the master," so called by the government—headed up the Health Services Restructuring Commission. What he said when he made reports right across Ontario was that this government is mandated to fund those community services before institutional services were cut. We held him to his word.

Let me tell you what he's saying today. He just said that this week about home care services because the crisis is so apparent, even to him. Duncan Sinclair says, "There is no question that those people right now who need home care aren't getting it. They face individual crises."

Thank you, Dr Sinclair, for not being around to hold their feet to the fire to make them implement what they knew they had to do. Instead, while we called on the Health Services Restructuring Commission to have some kind of pull on the government to have to invest, the government has in fact not kept up with the demand.

Let me go on now to what we see is happening right across Ontario. The member from Waterloo-Wellington, Mr Arnott, this week in the House said, "Some patients are receiving less care. Some aren't receiving the care they need because they are on a waiting list. With the budget for home care frozen across the province, more patients will need hospital or long-term-care beds, the very expensive and sometimes unavailable options that home care was designed to replace."

I can tell you that when these programs of home care were started in the 1980s, it was not designed to replace

those services. But when this government created CCACs, you designed them to replace them, and you do not have those services in place now that those hospital services no longer exist.

This is what Joe Tascona, MPP for Barrie-Simcoe-Bradford, wrote to the Minister of Health: "I have heard from my constituents about their concerns for sufficient funding to provide the level of care those persons need outside the hospital setting. I believe the ministry must immediately address the funding level." This from a Conservative backbencher.

This is what Mr Beaubien, the MPP for Lambton, said in a letter to the Minister of Health: "I don't care how we do it. We must make sure our sick and elderly get the kind of care that they need, and Minister, if we are not prepared to do that, I want you to tell me how I should respond to Ms Irwin and others like her who find themselves in the very unenviable position of trying to provide care when their loved ones are terminally ill." That's what's happening in Lambton.

This is Michelle, who comes from Stratford. She works in the home care field. This was part of her e-mail: "Many seniors and disabled people lose their light housekeeping services because of budget cutbacks. Low-income seniors and disabled do not have the money to hire a housekeeper. How will these people get their housework done?"

Just this week I was travelling on Meals on Wheels with the VON in my own community and opened the door to seniors. One senior woman said that this is how she gets her housework done in her home. There's no way that this woman could stay in her home without that kind of assistance. We wonder where this woman would go if we didn't have those services to provide.

I ask all of those involved with CCACs, their board of directors who have been forced to implement policies without any assistance or guidelines from the government of Ontario that created them, no standards—depending on where you live, if you're in Wawa or Windsor or Ottawa or Oshawa your service level is different. That's wrong.

When the CCACs were created in 1997, we called immediately for standards in this industry. We said you must determine what is in that basket of care that will be provided in Ontario. The government has neglected to do it.

Those CCACs should have been developed, and before the horse got out of the barn, you should have determined what they were supposed to provide. Instead, this government, like in most cases of government policy, has allowed the local volunteers to take the hit. In most communities, those volunteers have actually been advocates for the patients in their community—not in every CCAC. In some, they've had tremendous growing pains like in my own in Windsor, where those board members had to learn to be advocates for patients.

Now we see across the board, just this year, the deficits mounting because the demands that the hospital sector placed on CCACs, and they can't cope.



Let's look at what those levels are.

In North York, the community care access centre serves 9,500 clients a day. They will be reducing that number by 1,000, and I ask you, where will those 1,000 people go and who will care for them?

In Hamilton, with a waiting list of 650 people: forced to cut from its \$53-million budget.

In Manitoulin-Sudbury: forced to cut almost \$1 million from its budget.

The York: \$12 million.

Some MPPs have dared to suggest it's all mismanagement. The Premier himself stood up in June and said that it's a shoddy ploy by the CCACs just to extract more money. I say, how dare the government, who placed the burden fully on local community care access centres to provide while the demand skyrocketed for this service. The funding levels barely kept track.

Even in yesterday's estimates committee with the Minister of Health, where we demanded answers for what these local community care access centres are to do with their deficits, what do they do with patients they can't serve, the minister glibly announced from his books how much more money they were given year after year without acknowledging that they've wholly changed the mandate of what this program was and that they are responsible for funding it. In its own documents, in its own business plans, the Ministry of Health was to be providing this care.

In particular, the members that I've written to—in particular the communities, not just in Windsor, which faces a \$2.8-million shortfall, where my board is forced to determine who gets service and who doesn't—I encourage the local MPPs to meet the people who do without the service. Like we heard from Lisa Medwid in Essex, who, under enormous, tremendous difficult circumstances in dealing with a sick husband, of all things will lose the minimum home care hours that she got—a story that would make anyone cry.

I ask you MPPs across the way to turn to your own communities and ask, "What is it that you need in your community?" I ask that of those in Leeds-Grenville who signed the petition, and those in Northumberland. I ask those in London and I ask those in York. I expect that those people today will support my resolution.

**Mr Rick Bartolucci (Sudbury):** On a point of order, Mr Speaker: During the member's presentation, the member for Ottawa West-Nepean referred to the members on this side of the House as a bunch of frauds. We know that is unparliamentary language and I ask him to withdraw that.

1030

**The Deputy Speaker:** The Speaker can only rule on what the Speaker actually hears. I did not hear that. If in fact it was said, the member has an opportunity he wants to take to withdraw.

Further debate.

**Ms Shelley Martel (Nickel Belt):** I'm pleased to participate in the debate today. I want to say at the outset that I think the government has made absolutely the

wrong decision to cut health care services, because that is what it is. It's not just a freezing of home care; it is a cut. Many of the CCACs received additional funding last year in order to cover their deficits, and that is not the amount of money they have received this year in order to operate.

I think the government is wrong for four reasons. First of all, the government's decision flies in the face of a report that was done by this same government about CCACs which clearly says the government should be investing in, not cutting, homecare services. Second, the government does this at a time when it has more than enough money to fund home care needs but prefers to give \$2 billion worth of tax cuts to its corporate friends instead. Third, this decision will cost the health care system more in the long run, and I cannot understand why the government cannot see that. Finally, the decision is wrong because each of us in our own communities, if we were being honest and forthright, knows full well that this has tremendous negative impacts upon seniors, the disabled and those who are being discharged from hospital. That will cause long-term health care problems for the province as well.

Let me deal with the local situation first. In our community, the Manitoulin-Sudbury CCAC has a deficit this year of \$1.8 million. That was announced very publicly at a press conference that was held by the chair and the executive director of the CCAC on May 23. During the course of that press conference, the executive director and the chair made it clear that \$1.6 million of that \$1.8-million deficit came exclusively from higher prices for services which the CCAC purchases from other local agencies. This is a deficit, more than three quarters of which the CCAC has no control over because it comes from the purchases of services from other agencies and much of it is related to wage increases in those other agencies. But they were very clear to say that they had no choice, in the face of this deficit and the government's resolve not to fund the deficit, but to cut services.

Our CCAC has developed a 17-point plan which has dramatic impacts upon the clients it currently serves, and the clients it should be serving and cannot. The chair of the board at that time made it very clear that they had been told by legal counsel that they had no choice but to cut because they could not personally assume liability because of the government's Bill 46, that it would be wrong for the board to run a deficit because they would be personally liable, and no volunteer board in this province should have to face that. And indeed they should not.

So the untenable situation that our CCAC has been placed in is that they now have a plan to cut \$1 million worth of services, and that plan includes, among others, these reductions:

(1) A waiting period of one month for any new clients submitted for homemaking services.

(2) Further major reductions in the amount of homemaking service provided, including to people who need personal care.

(3) Elimination of in-home support service and homemaking to people for whom other programs exist in the

community, notwithstanding the limited resources those other programs may have to provide service.

(4) Elimination of in-home professional services, nursing, physiotherapy, occupational therapy, social work, nutritional counselling and speech therapy for people who are able, with little risk, to travel to receive services at clinics or in hospitals.

(5) Deep cuts in the amount of medical supplies provided, including the complete elimination of certain supplies.

(6) Reductions in medical equipment rentals.

(7) Development and implementation of new guidelines to assist us in determining how much service and what kinds of service we provide to our clients. In fact, they were meeting this week with the hospital to talk about discharge and to say very clearly that the CCAC cannot accept patients coming out, that the hospitals will have to hold those people longer in expensive hospital beds because the CCAC does not have the resources to deal with all the needs of those being discharged at this time.

The chair of the board was very clear in placing the blame where it should be placed: at the feet of this government. The chair of the board talked about three things during the course of that press conference. First, he made reference to the budget of this particular CCAC, and he said very clearly that in the past three years, while 43 CCACs have received total increases of \$272 million, the portion received by the Manitoulin-Sudbury CCAC during that time was \$487,000, less than one fifth of one per cent of all the increases to all of the CCACs. It is no wonder that this CCAC is facing a budget problem. They have received less than one fifth of one per cent of those increases over the last three years.

The second problem the CCAC has faced, and I raised this in the health estimates this week, is that this CCAC was promised equity funding from this government beginning last year, in 2000-01, and for the next five years. The minister for seniors, Cam Jackson, made that specific commitment to our CCAC on August 27, 1998, wherein he said, "Starting in 2000-01 and each of the next five years the Manitoulin-Sudbury CCAC will receive additional funding based on our equity formula." Our CCAC has never received that equity funding, not in 2000 and not this year, and probably won't receive it over the next three years if the government's policy is to limit the funding that goes to CCACs.

The minister in estimates said he didn't think that was true, but I have on many occasions confirmed that with our executive director and with our chair. So the Ministry of Health has undertaken to check their numbers again. But it is very clear from the local level that they have not received the equity funding they were promised, so that gives them a double problem in terms of their budget.

Third, the consequences are these tremendous cuts. As I said earlier, the chair of the CCAC laid the blame exactly where it should be laid: at the feet of the government. He said the following, "Though we deeply regret having to implement these service changes, our

deficit reduction plan is necessary due to the government's imminent policy concerning deficits and inadequate funding for home care. In the face of such policies, our agency has no choice but to implement further service reductions which we know will have a profound impact on our clients and the communities we serve. Further, these changes will have a significant impact on other health and social service agencies and may actually pit agencies one against another."

We hope it won't do that, but we are fearful that that indeed may well be the case.

The city of Sudbury in response to the concerns in our community has also most recently passed a resolution, dated September 14, 2001, where they call upon this government to recognize the funding issue for home care in Ontario because of the implications for an aging population, and also call on the government to review its position regarding or concerning the funding of home care. I congratulate the council from the city of Sudbury for having done that.

Just in terms of one particular client—we've all had many who have contacted our office, but let me raise this particular concern: a woman by the name of Madeleine Bouillon, who is 51, who has been confined to a wheelchair since she was injured in a basketball game when she was 18. Madeleine, to her credit, in the last month has organized two demonstrations in front of the provincial government office in Sudbury to protest the cuts and to try and raise public awareness and to encourage other families and other clients to lobby this government for change. She used to receive eight hours of home care. She has had that reduced and she is very concerned that she will not be able to continue to care for herself and end up in a nursing home, where she does not want to be. Madeleine Bouillon is one of thousands of CCAC clients right across this province who are being affected in similarly negative ways.

#### 1040

Two points that I want to go back to: first, that this decision by the government flies in the face of a report that this government itself commissioned to look at CCACs. In December the ministry received a consultant's study completed by PricewaterhouseCoopers. The minister finally decided to release the result of that study in June of this year. I suspect that part of the reason for the delay was because the consultants themselves, in reviewing the operations of CCACs, made it very clear that more money was required to fund this system, that there were enormous waits for important home care services, that there was a lack of staff to deal with these services because the funding in this sector is less than in the hospital sector. The recommendation they made, point number 4, page 145, was that the ministry should continue to move forward with its commitment to invest in CCACs, as indicated in the ministry's 2000-01 business plan, and ensure consistent funding approaches across the province. The ministry's business plan called for an increase in funding of CCACs across the province—not a freeze, and certainly not a cut. So while the



minister tries to rely on this report by PricewaterhouseCoopers to try and justify his cuts to home care, the fact of the matter is that the recommendation that was made by the consultants after an independent review of CCACs was that this government should fund them more to meet the problems with respect to waiting lists, to meet the problems with respect to staff. So this government has made a decision which is completely contrary to, which flies in the face of, an important recommendation that had been made by the consultants, which was to increase funding to CCACs.

The government also makes this decision at a time when it is clear the government can afford to respond to the consultants' recommendations; indeed, to the recommendations in its own business plan, which was to increase funding to the home care sector. The fact of the matter is that we know that in the May 2001 budget this government announced over \$2 billion for its corporate friends, and most recently in this Legislature the government has made a decision to accelerate tax cuts to the corporate sector, hoping to stimulate the economy, which of course that will not do because so many companies are losing jobs, so they're not going to get a benefit from the tax cuts. But the government clearly has the money to make a difference in home care. The problem is that the government does not consider home care a priority. The priority for this government appears to be giving tax cuts to already wealthy companies in Ontario to make them even more wealthy. The government makes that choice directly at the expense of seniors, of the disabled and of those being discharged from Ontario hospitals. I want to make that point clear. The government's priority is for tax cuts to its wealthy corporate friends. It does not consider the disabled, seniors or those being discharged from hospitals who need essential home care services to be a priority. That is clear in the decision this government has made to not just freeze funding for home care in the province but indeed to cut, and to do so in the face of evidence from an independent third body that more money, not less, is absolutely essential to ensure that home care can be provided to those who need it in the province.

My final point is this: I cannot understand why the government cannot see that the cuts they are making to home care now will cost the health care system more. It will cost the health care system more. When Madeleine Bouillon, who is able to live independently now because she has home care, can no longer do that because her home care is cut and she has to go into a nursing home, that costs the Ontario health care system more. When other clients, like Madeleine Bouillon, cannot get the nursing services they need at home, then they will have to see their family doctor or they will have to go to the emergency ward for health care, and that costs the health care system more, and not just in the long run; in the very near short run. This government should be funding home care because it costs less for the health care system in the short and long run and because it allows Ontarians to continue to live in dignity in their own homes, as I am convinced the majority want to do.

So I say to the government, as I wrap up, you have made a wrong decision. Many of you, like I, are being lobbied by our constituents, and constituents in your own ridings, who are feeling the impacts. You know that this decision has had a dramatic impact on seniors and the disabled and those being discharged from hospital. I urge you to reverse your decision and fund home care adequately in the province of Ontario.

**Mr Bart Maves (Niagara Falls):** It's a pleasure for me to rise and join the debate on the resolution before the House. I will say to the members opposite that it's a little difficult for us to sit across and listen to their lectures about the way the system is being reformed and where the money in the health care system is going. We've increased funding from \$17.4 billion to over \$24 billion this year, and that's in a five-year period. Those are dramatic increases in health care spending. We've gone from 38% of the budget to now 45% of the budget on health care spending. CCACs, home care in the province of Ontario, have been no exception to that. They've received dramatic increases in funding in the years we've been in office—over 78%. My own in Niagara has had a 120% increase. The York CCAC has had nearly a 300% increase in that time period.

We know, we understand and we've been directing the system toward more in-home community care because it's cheaper than having people in hospitals, it's cheaper than having people in long-term care facilities and it's better for those people. It was in that light that we began to spend a lot more money, year after year, in community care access centres and home care. However, it is our responsibility as a government—not the members' opposite, as can be seen every day by the amount of money they continue to ask for in every aspect of government spending—it is up to us to make sure that taxpayers' dollars, when we decide to spend them in certain areas, are spent appropriately. It's up to us to ensure accountability.

That's why, after many, many years of increases, we've asked the CCACs to have a year where we hold back their budgets and they look at their own operations. Do we do that on a whim, on a fancy? No, we don't, because we know there have been some operational problems within the CCACs across the province for many years now. Minister Jackson found that out when he went to work with many CCACs. All of our individual members have talked to their CCACs and found that out.

We also commissioned PricewaterhouseCoopers to do a review of the Ontario CCACs. Members opposite have pointed to this report. Among its 41 recommendations, there is a focus on a sweeping reform to management, accountability, service delivery, education and training.

We didn't stop there. We noticed there was a problem in the Hamilton CCAC. Clients told us so. Actual case managers working in the CCAC came to their member and said there were problems. So we went and did an operational review. That review was a lot less friendly, a lot less neutral than was the PricewaterhouseCoopers review. It absolutely condemned the way the Hamilton

CCAC was being handled. In fact, I remember the member from Hamilton, Mr Agostino, demanding at the time that we do something about the Hamilton CCAC. We did an operational review. Then, after the operational review, he complained that we weren't taking any action. The minister put in someone to take over the CCAC. He had the temerity to stand up in the House and complain that the minister was deciding to do something about the Hamilton CCAC.

So you see, it is up to this government to not continually just throw money at things. It is up to this government to make sure these systems run accountably. Why? Because we want all of the money we are spending, a 78% increase over the past five years on CCACs, to go to the clients. Over 16% is spent on case management; a lot more is spent on administration. We want that money to go directly to the clients. We're concerned, PricewaterhouseCoopers is concerned and the Hamilton operational review is concerned that that money is not getting down to the clients.

Is the answer to throw money at it? Well, we've been doing that. The member opposite talked about Duncan Sinclair. What did he say in the Kingston Whig-Standard on October 2? He said that what we don't need is a "greenback poultice," or an infusion of money. Why? Because that "will only create more problems." We happen to agree with Mr Sinclair's comments that we need to fix the system. We agree with PricewaterhouseCoopers that we need to fix the system. We agree with clients. We agree with people delivering services. We agree with members of boards who have asked us to act.

You can't just continue to throw money and money and money at problems. Sometimes you've got to step back, find out where the systemic problems are and fix them. That's what this government intends to do. I applaud some of the members opposite for understanding that the money that's being thrown into the system is not getting to front-line care. That is this government's primary objective and that's what we intend to do.

1050

**Mr Dalton McGuinty (Leader of the Opposition):**

Without reservation, I offer my wholehearted support for the resolution put forward by my colleague, my deputy leader, Sandra Pupatello, whom I must commend here and now in the most public way possible for all the work that she's been doing on behalf of community care access centres and our families who rely on them to such a great extent.

We've had many comments made, but I think it's very important for us to distill this to its essence: what are we talking about here? We're talking about our fundamental responsibility that we owe together to our parents and grandparents as they get on in years and need some help so they might live as independent a life as possible in their homes. That's fundamentally what we're talking about here. This is not purely a financial issue. I would argue that there's a moral issue connected with this. It is what we owe our parents and our grandparents, those people who have struggled through their lives, raised

their families, paid their taxes, played by all the rules and did the best they could, and now they look to us to assume our responsibility to make sure we are helping them as they get on in their years. That's fundamentally what we're talking about here.

The other aspect of all of this to keep in mind is that if people don't understand that we should be helping our parents and our grandparents by adequately funding and supporting home care in Ontario, we should understand that it's in our self-interest to do that, because if we adequately fund and support home care, we reduce pressures on our hospitals. If we're not properly funding home care, then an elderly gentleman or woman in their 70s, for example, who is not receiving the care they need could develop complications and could show up at the emergency ward. That is an expensive proposition. They may need to be admitted to the hospital. That is an expensive proposition.

So from a taxpayer perspective and from a broader societal perspective, the right thing to do is to adequately fund and support home care. Sadly, this government refuses to do that. They tell us they've been able to find \$2.2 billion for additional corporate tax cuts, but they cannot find the additional funding necessary to adequately and properly support home care.

This government tells us that what inspires them, what motivates them, is they want our province to be competitive. Let me tell you, I want our province to be competitive too. But when I think of our province being competitive, I don't only mean competitive by way of taxes. I want the best education, I want the best protection for our air and our water and I want the best health care, including adequate support for home care so that we are properly carrying out the collective responsibility we owe to our parents and grandparents as they get on in their years. That, fundamentally, is what this resolution is all about and that, fundamentally, is why we in our caucus support this so strongly.

**Mr Frank Klees (Oak Ridges):** I'm pleased to rise to participate in the debate on this important issue. I thank the member opposite for bringing it forward, quite frankly. I don't believe that this is a partisan discussion. I also don't believe the Leader of the Opposition or the Liberal Party have a lock on the moral high ground in terms of our obligation to our elders, to the seniors—and it's not just seniors who benefit from community care access centres, it's many young people; it's families who have need for respite support. We do have an obligation to fund the CCACs adequately and to ensure that people who need service have it.

I want to say very clearly that I do not believe that the system is working well. I have a lot of evidence to that effect within my riding, within the York Region CCAC.

I don't know if it's a matter of funding, but if in fact we're not funding it sufficiently, I want to ensure that we get to the bottom of it. I want to ensure that we fund it to the level it deserves to be funded at. But I also have evidence—and this comes to me from clients of CCACs, it comes to me from workers within the system, who are



telling me that they believe much can be done in terms of restructuring the organization, in terms of how service is delivered, that would improve significantly the service that can be delivered.

I have urged the Minister of Health and through this debate implored the minister to get on with the job of doing what has to be done to find out what is wrong with this system. I want to play a positive role, as I'm sure all members in the House want to do.

I want to share with you correspondence from a senior in my riding, which I think goes to the heart of some of the problems:

"I am a senior citizen who moved to Markham in February of 2000. I thought you might be interested in my experience with CCAC.

"My husband was diagnosed as being terminally ill in April of 2000 and was in palliative care at Markham-Stouffville hospital. When I brought my husband home, the social worker at the hospital promptly connected us with CCAC and arranged home care for us in this new community....

"Arrangements were made for delivery of a hospital bed and other necessary equipment, as required, and this was accomplished with only minor miscommunication. Unfortunately, the remainder of the home care service was a bureaucratic nightmare. The nurse who came to set up the service used up the entire hour with paperwork and hardly looked at my husband. The home care help who came also used up the entire time in filling up paperwork and during the week that I had the home care, no one actually helped my husband shower or gave him any meal....

"During that week, I requested one two-hour visit (rather than the one hour per day allocated) as I had an urgent doctor's appointment and when I returned home from there I discovered to my horror that two workers had been mistakenly assigned for this home care period" for one hour each, at the same time—"and that they both left before I returned. I found the door unlocked, and my husband (who was on morphine) had been left alone, completely helpless, in the apartment. My feeling is that there was a genuine interest in assisting me, but that the red tape and bungling actually nullified the benefit of this service."

I share this with the House because I believe it's a two-pronged problem. I believe we have a basic structural problem in terms of how this service is being managed; there may well be a funding problem. Our responsibility, I submit, is to get to the heart of it, do whatever restructuring has to be done. If we have to replace staff, if we have to replace boards, if we have to replace executive directors, let's do it. Let's eliminate the inefficiency, the duplication, and if we have to increase funding, let's do that as well.

**Mr David Caplan (Don Valley East):** First of all, I'd like to say thank you to the member from Windsor for bringing this resolution, because this is not a partisan resolution. This is something that all members of this House should be supporting. I will be supporting it on

behalf of the people of Don Valley East. I am very pleased to be here to be able to participate in this debate.

I want to talk specifically about the way that the current government funding formula affects my constituents in the area called North York. We're serviced by the North York Community Care Access Centre. North York has a very unique demographic. It's one of the most unique in the province of Ontario, and we are punished by the way that the government organizes its funding. There are definite inequities in the funding formula that punish areas like North York, especially that have a high number of seniors and frail elderly versus other clients.

**1100**

I say to the member for Ottawa West-Nepean that it is incredibly disrespectful to the people in North York that you don't think that they're worthy of support. In North York, we have the largest number of people over 65 and the largest number of people over the age of 70. We are 20 years ahead of provincial trends anywhere in the province of Ontario—20 years ahead. But the funding formula does not compensate for this inequitable situation, and the government is unwilling to provide reflective funding and more money to make up for this unique demographic situation. Instead, what the Harris government has said is that seniors will have to wait, the frail elderly will have to wait or they can dig deep into their own pockets to provide the kind of home care and the kind of support that they need to live within our wonderful community of Don Valley East. That's wrong; that's simply wrong.

Mr Thomas Cook is a constituent of mine. He has received home care services since 1978. He had seven-day-a-week home care. Mr Cook, on a trial basis, had his home care reduced. Then, when it was proven that four hours per week was not adequate to help Mr Cook in his home, unfortunately there's no money, so he cannot get any more than four hours per week. What a terrible situation for Mr Cook.

Or for Mr Ray Harvie. Mr Harvie had been receiving home care services for over 10 years. He went into the hospital for some tests and had to have an extended stay; he was there for over two weeks. He got out and when he got back they said, "Two weeks? I'm sorry, you're past the threshold. You have to reapply." Someone who's received those services for 10 years has been cut off.

I'd also like to thank the Gertzos family for their efforts in circulating the petition. I hope that all government members, all members of this Legislature, especially those from North York, will hear the voices of constituents from Don Valley East today and support this resolution.

**Mr Galt:** I appreciate the opportunity to say a few words on this particular resolution. It's certainly one that I similarly have concerns with. But the opposition motion really doesn't state some of the facts that should be out there about home care. Actually, what's been spent there has moved from \$681 million from some six, seven years ago, 1994-95, to approximately \$1.17 billion today. That's greater than a 70% increase. I think that's a pretty significant increase.

There's no question our government believes in seamless health care delivery and views home care as a critical component of such a system. It seems like we're alone with that, our party, our government. It's too bad the opposition didn't see it in a similar sort of way and that the federal government wouldn't see it in a similar way. We wish that the members' fellow Liberals in the federal government had the same view, rather than rejecting all the pleas for financial assistance that would aid in the transformation of our health care system from institution-based to home- and community-based.

I think it's a bit ironic. When we move people out of the hospital to home care, the federal government doesn't have to pay anything, because they don't support one red cent for home care. They just step out of that. We're really saving them their measly 14 cents on the health care dollar as we move them out of the hospital and the OHIP system into their homes. That's where they should be and it's time that the federal government stepped up to the plate and was part of this. They talk a lot about it, they get good press because they talk about it, but they haven't provided one single red cent toward helping with home care.

The CCACs, I think it should be recognized, are a young organization, so really it's understandable that some of them have growing pains. Certainly I've met with the two that represent my riding and I have concerns. I think they're genuine, excellent people, working hard. Our government has reaffirmed its commitment to home care by appointing the associate minister of health and long-term care to review those elements which have led, for some of those community care access centres, into fiscal and management difficulties.

Although most CCACs are balancing their demands for services within the current funding allocation, some are not. The government—I don't think there's any question; I've watched it personally—will work with these stakeholders in the health care sector to implement necessary cost containment measures to allow them to manage within their budget. That's certainly happening in my area.

At the same time, we'll ensure that the CCACs meet the service needs of their clients through good case management practices and by ensuring funding is allocated to client care services rather than excess administration.

The resolution of the member for Windsor West accomplishes none of these important objectives. Rather than offering thoughtful solutions that would help CCACs solve their problems, we get the usual Liberal rhetoric. I could support a positive resolution on access to community services, but certainly I cannot support the resolution as it's presently written before this House.

I don't think there's any question that our government recognizes a concern that's being expressed by the CCACs. It's one of the major concerns that come into my office currently. I thought the member for Oak Ridges put it very well when he asked, is it in fact a funding issue, or is it something else? We need to look into that. I think there's an equitable funding issue. I certainly hear

that from the CCACs in my area. If the member from Windsor West would spend some of her efforts in lobbying—she's lobbied all the CCACs. If she'd just put that effort into talking to Allan Rock, maybe it would get a little more worthwhile and a little more helpful to those who need this home care. If she'd write him some letters, if she'd talk to him—I'm sure they're on a first-name basis—just maybe a little bit of funding might trickle from the federal government. Now that they've balanced the budget because of the economic boom that Ontario created for them, they can then use some of their surplus to help these people who were referred to.

I thought the Leader of the Opposition did very well talking about the fundamentals, about what we owe our parents and grandparents. The federal government also owes our parents and our grandparents. But of course they're not stepping up to the plate, and all we get from the Liberals and the NDP is the ongoing irresponsible talk about spend, tax and borrow. We went through 10 years of spend, tax and borrow. That's their legacy.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I would like to thank my colleague the member for Windsor West for bringing this item to the floor of the Legislature. It is a topic that there should be a lot more debate on in the Legislature so that the members of the government can truly understand the crisis there is in community health in the province of Ontario.

I was appalled earlier this morning at the tactics of the member for Northumberland, who tried to arrest the debate on this very important issue. In my community, the issues around services provided by CCACs are very important and they're very much in the news. There is a CCAC in my riding that has been forced by this government to make a very painful decision. As a result of this government's inflexibility in terms of support for the CCAC, they were required to put an ad in the local paper and actually indicated that for a period of six weeks they will not be accepting new clients. The Kingston, Frontenac, Lennox and Addington CCAC have found themselves in this most untenable situation. Administrators in local hospitals clearly indicate that this announcement will result in delays for surgeries, it will block admissions, and it will lengthen hospital stays.

It was reported in the Kingston Whig-Standard that as of noon Tuesday of this week, in 33 of the hospitals, 452 beds were occupied by patients who would normally be discharged to the CCACs. Admission to home care is currently restricted to a small minority of patients. Members of the government are mumbling and saying it's nonsense. It's reality. It's in my riding today. That's part of the problem: the government refuses to accept that this is the crisis that exists in the province.

Thank you very much for the opportunity to talk about my riding.

1110

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I want to thank the member for Windsor West for her leadership on this issue. I also want to



acknowledge the presence of my daughter Whitney and her friend Laura, who are here this morning.

I just want to go on the record as saying that when my dad was sick about a year ago, as members may recall, he got wonderful care from the CCAC professionals in spite of the disparities between hospital nurses' wages and CCAC wages.

I want to just echo that we're clearly in a crisis. Times are changing. The baby boomers are growing up and they are very much concerned about providing adequate health care for their parents. The question we need to ask today is, does this government in fact have the inclination, the wisdom and indeed the courage to tackle this issue? As a relatively new member of this assembly, I'd like to think that they're prepared to work with us to stop the blame game, to stop pointing fingers and to start pointing direction on this critical issue, an issue that's affecting many of our citizens. The frail elderly and the sick are losing their health care because of this chronic government underfunding.

I happen to have the good fortune to represent part of Halton, one of the areas that's growing very quickly in terms of senior population. In the face of increased demand, what happened? The budget was frozen. They're now \$6 million short. They cut home care hours by 13,000; 4,000 fewer hours for visiting nurses; 4,000 fewer hours for home care.

I want to tell you about Tom, whose wife Sarah has Alzheimer's and is at home. She has lost her night care. Tom has to sleep fully clothed in front of his apartment door to make sure Sarah doesn't wander.

I want to talk about Margaret, a 79-year-old woman in my riding living alone with a bad heart and severe arthritis. She needs this care, and she's very fearful that she isn't going to get it and she's going to end up in a nursing home.

I'm going to stop there because I know some of my colleagues want to speak, but at some point very soon I'll speak to the federal-provincial issue as well.

**Mr Michael Gravelle (Thunder Bay-Superior North):** It's vital that all members of the House support this resolution. I'm very glad to have a brief opportunity to say a few words myself about the realities in the Thunder Bay district community care access centre.

There has been a 36% increase in caseload since 1997. Last year the government provided funding of \$21.1 million; this year it's down to \$17 million. This is unbelievable. Quite simply, we need patient-based funding. We have to have it. The fact is, waiting lists have increased dramatically. Waiting times for services have increased dramatically. For example, we now have a situation where, when before there were four weeks to wait for homemaking service, it's now six months.

There are many problems that are very specific to northwestern Ontario. They are related to geography, a reality that has never been addressed by this government; the lack of available staff, again not addressed by the government; also the lack of alternative supportive housing and other services that has resulted in higher

demands. Of course we know about the shorter hospital stays.

The fact is, we desperately need patient-based funding for community care access centres in northwestern Ontario. We need it all across the province. There's no question that we need to have this.

I would love to have a longer opportunity to give you some of the sad stories. People are desperate. People are being treated very unfairly, and I truly beg all members of the House to support this resolution by my colleague from Windsor West.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I want to rise to support my colleague's resolution because I, like every member of this Legislature, have heard over the last number of months about the problems and the pressures that are out there in this particular system. I agree with the member from Oak Ridges and others that the problems are many. There may very well be issues in administration, but make no mistake about, in my view, the core issue. The core issue is that which was raised by my friend from Windsor in her opening remarks, that in the last very few years, a dramatic change has occurred in the patient load of a CCAC; namely, a vastly increased number of acute patients who previously would have been looked after in an institutional setting.

I know from speaking to my community care access people that the single biggest problem they've got is that today a very large percentage of the overall budget is being dedicated to people who have got serious and complex health issues and who have been discharged at a very early point from hospital. That is the single most pressing issue, and we've got to recognize that.

Like my friend from Thunder Bay, I represent a rural area, and I'm going to cite just one example. I've got a constituent living in the Madawaska area of south Nipissing. This gentleman is in his 80s. He lives alone, he's legally blind and he's a diabetic. He makes virtually no demand on the public services of this province. All he was getting was four hours a week, and now he's being reduced to two. He's 50 kilometres from the nearest service centre. He's 80 years of age, legally blind, diabetic, has no car and has to pay 22 or 25 bucks out of his own pocket to go anywhere. His four hours a week are now two hours a week, and there are no alternate programs for him. He's not living in Ottawa or Pembroke or Markham or Windsor; he's in the most rural part of midnorthern Ontario. And we're saying to him, "We'll pay hundreds of thousands of dollars in severances to hospitals' CAOs, but we haven't got enough money to look after you at home."

**The Deputy Speaker:** The member for Windsor West has two minutes.

**Mrs Pupatello:** I've appreciated the debate today from all sides of the House. I marvel at individuals who refuse to see the reality of what is happening at home on the streets in their own ridings. I am committed to bringing the truth to this House, and I expect the same from my colleagues across the floor. While you may like to see

change and improvement, you need to deal with the reality of the services that are required in your community, and you owe it to your community to support this resolution today.

Let me tell you that changing the health system is not like changing a car assembly line. You can't shut the plant down during July to change the assembly line over. You have to fund it while you change it. Everyone acknowledged that you were changing the system. But you've refused to stabilize the system while you change it, and there are people who are hurting because of what this government has done.

We've got a big problem right across the board. We have deficits across CCACs today. Can you imagine that Conservative MPPs have the gall to blame administration for the monsters they created in 1997: Kitchener-Waterloo, a \$12.7-million deficit, and Niagara, a \$9.4-million deficit, and their local MPPs had the gall to stand up and accuse the administration of mismanagement, taking the lead from the Premier of Ontario in a very unstatesmanlike manner, blaming other people for things they have created in terms of problems.

What is the demand on our home care system today, and who is responsible to meet that demand? It is the government of Ontario. That is our job here, when we meet people like those my colleagues have described, who, but for the support of the Ontario government, need help to stay in their homes and be healthy. We owe it to the people of Ontario. We owe it to them by starting with this resolution and supporting it here and sending a message to the Premier: we're not prepared to leave our sick, our elderly and our frail without the help they deserve.

#### HEALTH PROTECTION AND PROMOTION AMENDMENT ACT, 2001

#### LOI DE 2001 MODIFIANT LA LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ

Mr Dunlop moved second reading of the following bill:

Bill 105, An Act to amend the Health Protection and Promotion Act to require the taking of blood samples to protect victims of crime, emergency service workers, good Samaritans and other persons / *Projet de loi 105, Loi modifiant la Loi sur la protection et la promotion de la santé pour exiger le prélèvement d'échantillons de sang afin de protéger les victimes d'actes criminels, les travailleurs des services d'urgence, les bons samaritains et d'autres personnes.*

**The Deputy Speaker (Mr Michael A. Brown):** You have up to 10 minutes for your presentation.

**Mr Garfield Dunlop (Simcoe North):** This morning I'll be spending 10 minutes and the other time will be shared with the member for Niagara Falls, the member for London-Fanshawe and the member for Northumberland.

If passed and proclaimed, this bill would allow the local medical officer of health to order the taking of a blood sample from someone who accidentally or deliberately exposes a front-line emergency service worker, good Samaritan or victim of crime to his or her bodily fluids. The blood would be tested for diseases on the Ministry of Health's communicable disease list.

The test is to provide medical personnel dealing with the emergency service worker, victims of crime or a good Samaritan with the best possible information to make a recommendation for treatment. The bill states that the blood sample cannot be used for criminal prosecution and cannot be used for an invasion of privacy.

An autopsy was performed, and it was determined that—oh, sorry, Mr Speaker, I've got confused here. I'll just throw my notes away.

1120

Earlier this year, back on June 28, I presented a resolution in the House. It talked about the government requiring that medical information be provided to people who have come in contact with someone with an infectious disease. I talked to a number of people throughout the province. As we looked forward to doing a private member's bill this fall, because my time had been allocated to that time, I had the opportunity to go out and consult with the public.

We held consultation meetings here at Queen's Park and in Sudbury, Ottawa, Niagara Falls and London. We sent out press releases and talked to people in all those different communities about this issue. The people who provided the most information were actually the emergency services workers. We talked to a lot of these individuals, who in fact are here today. I can't exactly remember the names of them all, but certainly we have Mr Bruce Miller, from the Police Association of Ontario; Natalie and Hubert Hiltz, a husband-and-wife team, both constables from the Peel regional police force; Paul Bailey; and Jim Lee of the Toronto Professional Fire Fighters' Association. Basically we talked to individuals from across our province.

I want to tell you, Mr Speaker, that we heard a number of cases that I don't think the public is very well informed on. People don't understand—I don't think the average person understands—the types of incidents these individuals face on a day-to-day basis. In some cases it's even sabotage. I talked to one individual, a police officer in Niagara region, and he talked about a bank teller being held up with a needle—these types of problems. In all cases, the individuals were concerned about contracting an infectious disease.

The intent of this bill is to allow a blood sample to be taken after an individual feels he's come in contact with an infectious disease and to ask the local medical officer of health for a ruling on that. With that, we expect we can find out immediately, or in a very short time, the type of disease they may have come into contact with.

May I just have a second, Mr Speaker?

**The Deputy Speaker:** If it is helpful, we can put this time at the end of your remarks rather than at the first.



**Mr Dunlop:** I think I'm fine now. Thank you very much. It has happened to me once before that my notes got mixed up.

I want to go back to the consultations. I had the opportunity to meet with Constable Natalie Hiltz, who I mentioned is here in the members gallery today. In 1996, Constable Hiltz arrested a known drug user for prostitution. During the arrest, the person being arrested turned around and actually bit Constable Hiltz. The bite pierced the skin and blood came out of the broken skin. Constable Hiltz went to the emergency room, where she asked if she could find out if the assailant in fact had any medical problems. The doctors told Constable Hiltz that they didn't know and couldn't tell her without the assailant's consent. The assailant refused to give consent.

With no information, the only option she had was to take what is known as the AIDS cocktail. The cocktail is a combination of drugs that cause numerous short-term side effects and unknown long-term effects. The side effects include nausea, hair loss, stomach problems and sometimes blindness. Some of the side effects lasted longer than others. As Constable Hiltz describes, the cocktail basically turns your insides out.

Many emergency services workers have told me they are grateful to have the cocktail available, but would rather not take it if it can be avoided at all. Ms Hiltz also talked about the serious emotional damage the possible infection did to her in not being able to be with her fiancé, her family, her friends and her colleagues.

I wish I could say that more stories like this are rare and uncommon, but they are not. I wish I could say that the many protocols and procedures that are in place would be enough to prevent this, but they are not. I wish I could say the brave men and women in our emergency services will not get infected, but I cannot say that. We need to do something to help these people and I feel this bill is a very important step.

As I said, I started this process with a resolution last year in June. I want to read that resolution over again. It was presented here on the floor:

"Be it resolved that the government of Ontario investigate ways to allow emergency workers, good Samaritans and victims of crime who might have been infected with a deadly disease to have the right to access a person's medical information to determine whether they are at risk of being infected."

The more I consulted, the more I realized that the information and the medical records could not help those people who needed help the most, so we changed the bill to look at the idea of blood samples since they can be much more conclusive. I understand the issues and challenges this bill could pose. I understand there are constitutional problems that may be faced in this bill, especially the charter section regarding life, liberty and security of persons and the section on unreasonable search and seizure.

I have asked for some opinions on it from Charter of Rights experts and they have informed me, "Based on a preliminary review of the proposed bill, it indicates it has

been structured to avoid unreasonable or unfettered powers to order the provision of blood samples. Applicants must fall into prescribed categories and there must be a reasonable belief in the circumstances that the applicant has been exposed to a prescribed communicable disease. There are also legitimate public service interests to be served in assisting victims of crime or those who are performing certain services in ascertaining whether they have been exposed to a communicable disease. Such information could assist in treatment decisions as well as reduce the significant emotional stress inevitable in such circumstances."

There are other issues with this bill that I am hoping can be worked out within a committee of some type.

In closing, I'd like to ask everyone to support this bill here today. I think this bill would be an important step in helping to protect those who protect us. In particular, when I think of what we've just come through in the terrorist attacks in New York City, it has drawn a lot more attention to just how much our emergency workers do for our communities across our country. We're very proud of the work they do and I think this is an opportunity to help them perform that work a little more easily.

I would really like to have it passed here today at second reading and sent to a committee so we can once again go out and talk to the public, talk to people who may have some opposition to this bill. I think it will be an opportunity to provide information to our caucuses, to the government. I would like to see this bill become law some time within the next six or eight months if at all possible.

I look forward to other people debating this bill this morning and listening to their comments. Mr Speaker, I appreciate the fact you've allowed me this time and I'm sorry about the disturbance with my notes. I had them mixed up a little bit.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I appreciate the concern that lies behind the presentation of this bill. It's in light of that concern and in agreement with the concern that we will be supporting the bill that's before the House this morning. I trust the member for Simcoe North will have the support of not only the members present in the House but of the government to be able to move this bill forward to committee so that it can have some refinements. The basic principle of the bill and the concern expressed in the bill is one we want to see pursued.

The concern that's expressed in this bill, the concern that this bill addresses, is one that was so clearly expressed to us in committee hearings on the privacy bill by the Ontario Police Association. We certainly recognized at that time, in their presentation, that their members are very often vulnerable to the transmission of life-threatening diseases in the course of doing their duty, whether that's assisting victims or protecting the public. We heard the very compelling testimony from Constable Isobel Anderson about the kind of anguish an officer goes through. Isobel Anderson told of having been, in the

course of searching a suspect, inadvertently stabbed with a needle and the kind of anguish she went through before determining that in fact she had not contracted a life-threatening disease.

1130

One of the statements that I think expressed the feelings behind the need for this bill most clearly was that of Mr Bruce Miller, who is with us today and who said, "We are here today to stress the need for emergency workers, victims of crime and good Samaritans to be able to access an individual's health records if there's a risk someone might have been infected."

I quote from the OPA presentation but I know the firefighters have also made representations on this issue and share the concern, as do other emergency workers. I want to state very clearly our agreement that our emergency services workers and those who serve in good Samaritan roles have a right to reasonable steps being taken to protect their own health and safety.

I want to recognize that this is one of the difficult issues we have in determining what is reasonable. As the police association said in their own presentation, it's a question of finding the right balance between the protection of the health of our emergency workers or good Samaritans and protecting the basic rights to privacy of every individual. So there is a need to determine what's a reasonable limitation on the right of an individual to privacy in order to give reasonable protection to another.

I want to say to the member for Simcoe North that I very much appreciate the effort he has made to find that balance, to move from the original resolution and the original debate that took place at committee, which focused on access to medical health records. The member for Simcoe North has moved that debate to what I think strikes a reasonable balance, not to provide access to health records, which would case some concerns because of the sheer breadth of what was being proposed, but to provide a reasonable measure by which the medical officer of health can be petitioned to have a mandatory blood test carried out. I think that serves the protective role that's needed at the same time as it answers a lot of concerns about access to health records. So I want to commend the member for Simcoe North for having made such an attempt to find this reasonable balance.

I appreciate the fact that in this bill it makes it clear there is no broad access to individual health records. I do want to express a concern that people who have access, then, to the results of the blood test that is done are not, under current legislation, bound by any kind of confidentiality about the sharing of that information with anyone else. This is obviously a concern in the light of the absence of any privacy legislation in the province of Ontario, so I think it will be necessary, if this bill is to go forward to become law, that in a separate forum from any broadly based privacy legislation there be some provision ensuring the confidentiality of that information on the part of the recipient of the information. I trust that this bill will proceed to committee and that this will be one of the provisions that can be included in the bill.

I want to recognize the safeguard that has been built into the bill by the member for Simcoe North, that the blood test not only must be ordered by a medical officer of health but that the medical officer of health must believe there are reasonable grounds to believe there could have been some transmission of disease.

I want to raise one small further concern, perhaps not such a small further concern, but one which can certainly be addressed through the committee process, and that's the fact that the medical officers of health of the province were not aware they were going to play such a critical role and haven't been consulted on that role. I appreciate that's always a limitation with a private member's bill. I trust that that can be addressed at committee. The medical officer of health I've spoken to has a concern that the information from the blood test would not come back as well to the medical officer of health who ordered the test. I think that's something that needs to be built into the bill.

Just very quickly and finally, I want to express a broader concern, even as we support this bill today, that the government has not brought forward the privacy legislation that we believe is needed in the province to deal with health issues. While we have immense concerns about the privacy bill that was tabled with this House last spring, we were concerned that the government would simply withdraw from presenting any kind of privacy legislation. At this point in time, that seems to be the position they've taken. I hope the broader issues of health privacy will now be addressed.

**Mr Frank Mazzilli (London-Fanshawe):** I want to start by commending the member for Simcoe North for introducing this legislation. Not only did he introduce legislation—in the vast majority of times, what we see with private members' bills is that they do not become law because they're poorly thought out, and often the time is not taken to consult those stakeholders or to consult with some legal opinions as far the constitutional arguments that may arise. The member from Simcoe North avoided that problem by first coming up with the resolution and then consulting with the Police Association of Ontario, the Ontario Provincial Police Association, the Ontario Professional Firefighters' Association, paramedics across this province and, of course, people that had been affected as good Samaritans. I compliment him on that.

That was a long and onerous task. He certainly, as you heard, travelled to London, Niagara Falls, Sudbury, Ottawa and Queen's Park. As a result of that—let me just read the explanatory note—he's come up with the Health Protection and Promotion Amendment Act, 2001.

This bill, if it becomes law, "amends the Health Protection and Promotion Act to allow a medical officer of health to make an order requiring the taking of a blood sample from a person if the officer is of the opinion, on reasonable grounds, that the applicant for the order has come into contact with a bodily substance of the person as a result of being a victim of crime, providing emergency health care services or emergency first aid or per-



forming a function prescribed by regulation. The order will require a legally qualified medical practitioner or another qualified person to take the blood sample and to deliver it to an analyst. It will also require the analyst to analyse the sample and to make reasonable attempts to deliver a copy of the results of the analysis to the person from whom the sample was taken and to the person who obtained the order."

Certainly, from what we've heard today, already the privacy concerns are starting to come into play. Usually privacy issues have to do with people in an area of responsibility, where they work in a workplace and they receive information as a result of their employment. To share that information is confidential. Most workplaces have that.

What we're talking about here is not only emergency workers but good Samaritans. I, through many contacts, have run into people who, on their way home, have been flagged down and performed CPR. These are young mothers, and they have often come into contact with someone with a communicable disease. Here you have a citizen willing to help and who was happy to help, and all of a sudden that happiness turns to fear. Referring to the privacy issues that we heard the member across talk about, if they have received information that there is a positive test, can that good Samaritan not share that with his or her partner? Can that good Samaritan not share that with another family member?

I would certainly oppose that. That's the difficulty with privacy beyond the workplace. I would urge that, when it comes to committee, it be thought out fully.

This is a very reasonable piece of legislation in that the member from Simcoe North has not taken it into criminal parameters. The results of the test are simply to have the emergency worker or good Samaritan know if they've come into contact with anything, and to allow them to use that information to seek any medical treatment that they require, while avoiding some of the cases that you've heard of of people having to take treatment that they could have been prevented from taking had they had that information available to them in the first place. I think that is certainly more than reasonable.

The one thing that I do have some concerns with is that the medical officer of health will have to be trained in taking information similar to a justice of the peace on granting these orders. I suspect maintaining continuity across the province might have its challenges, as it does with justices of the peace and judges under some similar circumstances. So I would strongly urge that medical officers of health be issued a package explaining the outline of the legislation, once passed, and how to issue those orders.

This piece of legislation is long overdue. I commend the member for Simcoe North for taking the initiative and I hope it's passed as soon as is reasonable.

1140

**Mrs Sandra Papatello (Windsor West):** I'm very pleased to speak today to speak to Bill 105, the Health Protection and Promotion Amendment Act, and to tell the

member from Simcoe North that I too, along with many colleagues in the House, will be supporting the bill, and to let that MPP know that where I come from, that means that you too will have to support my resolution. That's just how it works here in this House, especially coming from the region of Simcoe as he does, with the tremendous community care access centre issues that exist in the Simcoe region, as expressed by his colleague, MPP Joe Tascona. I do fully support, and expect his support of my resolution.

This is a very important piece that this member has worked on in terms of privacy issues, in terms of health protection and, in particular, those who work in EMS, in the emergency medical field, whether we're speaking of our police officers of Ontario, our firefighters, our ambulance workers, all of the people in the field, including good Samaritans, people who stop on the road to help a car accident victim etc.

I don't think many of us in this House understood the impact of what it meant to have people who help people have protection until we were debating the privacy legislation, a health bill, and we met the police officer from Ottawa who came to us at committee and told her story about how she was accosted by someone she was arresting. He bit her. She then could not determine whether she was HIV-positive or not, because she clearly was put in that position of being what would be considered at risk for having contracted it. The system doesn't allow someone who's working on our behalf to protect us from people who we need protection from—we couldn't make sure that she was going to know whether she had been infected or not, and it was a very compelling story about what life is like when you think you might be. It was very compelling to hear how her life was forever changed: marital issues, family issues, work issues.

We sat back and listened to that story and realized the full weight of what we need to do to protect people who are working for us out there, again, whether they're police officers or firefighters who go into a fire and never know the victim when they arrive to pull them from a burning house. Yet we expect them to be there. They can't refuse this work. We need to protect them. So the bill is very important.

We know that the member from Simcoe North took the time to speak to people and, since then, made changes. I only wish that the government would often take consultation in that manner and then actually address it and make changes to the bill.

We had significant issues with the first draft around access to medical records. Not only was it inappropriate in terms of a breach of privacy but it didn't help the issue. If passed, it would have allowed access to medical records that probably would not have had the information you needed in order to access information about communicable diseases.

We do still have issues, and they were brought to the attention of the member as he was even drafting this last draft. Hospitals have to be mandated as well to keep the

kind of supplies on hand to respond so that there are cocktails available in a timely fashion if people then are deemed to have contracted the disease. That is not mandated today.

The medical officers or health, or their designate, have to be on call 24 hours a day. It's not a 9-to-5 position, and typically these incidents will be outside of the 9-to-5 hours of the day. Will they be available to make the determination of, "Yes, we need to take a blood sample"? Those who receive the blood sample information—whether disease or no disease exists in the blood sample—must be deemed a custodian. What we need is a health bill on the table, to be debated and passed, so that being a custodian of such critical medical information is then protected from the general public, and we have to ensure that that happens.

I agree with the member who's presenting this bill and says that this bill needs to go to committee. I too encourage the House to pass this second reading and send it to committee so that we can iron out those details, so we can go forward and protect the people whose job it is to protect us.

**Mr Doug Galt (Northumberland):** It's certainly a pleasure for me to be able to respond to this bill of my good friend, Bill 105. Just before I get too far into the bill, I'd like to compliment the member for Windsor West on her response in support of this bill, particularly after the rather heated discussion we had earlier on her resolution. I think that's the sign of an excellent parliamentarian who can look objectively at the issue at hand immediately following the other.

*Interjection.*

**Mr Galt:** I'm paying compliments, and it's in order. But I also pay a compliment to my good friend who has brought forward this bill. I think it's excellent the way he worked it through. He first came out with a resolution back in June, tabled that, an excellent four-line resolution, all to the point. I don't think we need to read it; it's in the order paper. He really packaged it extremely well. He had an issue, he had concern, and he has gone out and worked on it.

Also, my compliments to him for going to all of these different cities. I don't know if it's a first, but it's one of the first to travel the province to hear the concerns. He travelled to London, Niagara Falls, Sudbury and Ottawa, really all points. I suppose some might say he should have gone to Thunder Bay as well, but I think those four points are probably a big step over what most other people do. Again, compliments to him for that.

I agree with some of the comments made that it should go to hearings after second reading. Certainly I'll be supporting it on the second reading debate. I'm like some of the others. There may be, and I think maybe the member himself mentioned, some constitutional problems in this particular bill. It is very difficult for a backbencher to put together a complex bill, and I think he has done extremely well in putting together this bill. It is several pages. There are some complexities in it, particularly when it touches on areas like our Constitution and when

it touches on areas of freedom of information and rights to privacy.

His concern really is for those who are hired as a group, our police, our firefighters, our paramedics, who, yes, lay down their lives—that's part of the job, you might say—yes, they go out and do some tremendous work for us. He also refers in his bill to the Samaritans who stop by the roadside or wherever there's a disaster or accident or somebody needing assistance. Those people don't always have gloves at hand. The professionals out there whom I just mentioned are supposed to wear gloves, but there are many instances where that's not possible. They need more protection on occasion than just their hands. Splashes do occur.

The other point that I think is of particular interest is victims of crime. They didn't volunteer, they're not being paid; they're a victim of crime. I think he pointed out that currently a rape victim cannot find out if the rapist has hepatitis, HIV or AIDS. Here's a person who innocently was attacked—I gather innocently was attacked; that's my interpretation—and ends up possibly impregnated with some virus like hepatitis or AIDS or whatever. I think in those circumstances it's not asking too much that a sample be taken to at least identify whether there's an infectious disease they might contract.

There is this balance of rights of individuals. The member for Thunder Bay-Atikokan expressed that quite well. I have some concerns there as well, but sometimes we have to give up our rights to have freedom for the majority. To have that kind of freedom, we have to have rules, and those rules must be followed. I think of something as simplistic as the fact that I can't drive up the left-hand side of a road, whether it's a two-lane or a four-lane; that's illegal. That gives the freedom to everyone to be safe on their proper side of the road. I wouldn't want to go to the left anyway; I prefer staying to the right. But it's that kind of freedom that's created by a rule that says you must be on the right-hand side of the road.

I remember a very intense debate about 25 years ago over seat belt legislation. "They're infringing on my rights" to have to wear a seat belt. Well, maybe a little bit, but look at what it saves everyone in medical costs, and it also tremendously protects those who wear them. There was a great debate not too long after that about breathalyzers. "Oh, they're taking away my rights. They're taking my breath. I have to give up evidence against myself." It touched on the Constitution, but for the benefit of all, it was the right thing to do.

That's how I see this piece of legislation. It's for the privilege and for the rights of those who are in those occupations; it's for the good Samaritans and particularly for the victims of crime who may end up contracting some of these rather deadly diseases, through no fault of their own. I, for one, can support this, particularly when I hear the member from London-Fanshawe, a previous police officer, enthusiastically supporting it. He has been out in the field and really understands what's going on there.



Thank you very much, to the member from Simcoe North—I believe that's the right riding—for bringing this forward. I think it's an excellent piece of legislation. It also goes along with anything like a Good Samaritan Act that would protect a volunteer who is helping.

Again, thank you very much, Mr Speaker. I'll be enthusiastically supporting this bill.

1150

**Mr Dave Levac (Brant):** I want to rise today in support—I'll state it right out front—of Bill 105, the Health Protection and Promotion Amendment Act.

I want to spend a couple of minutes of my time to explain to the general public out there that clearly this bill was not introduced to allow people to do the great things that they do already.

I want to compliment the members of the police service, the firefighters, the ambulance attendants, the paramedics and the good Samaritans out there. What people want to know and understand clearly is that they did these good things before this bill was enacted. They did these good things because that was the right thing to do. So to those people, the people who share their lives with us, keeping us safe, we extend to you our gratitude and our thanks for the hard work that you do day in and day out and the lives that you save, and the fact that you put your lives on the line is something we have to continually repeat day after day. It's exceptionally imperative for us to say it today because of September 11. People put their lives on the line; it was more evident on September 11 than ever before.

The people here in Ontario recognize and know that there is a kindred spirit between all of those workers here in the province of Ontario and those in the United States. There is a special bond. They understand that they put their lives on the line every day. Their families understand that they put their lives on the line every day. We want to say over and over and over again, thank you for the job you do, and thank you and God bless you for the things you do for the people of Ontario. So, thank you very much for that before we get started on this bill.

Importantly about the bill, I do want to point out to the member from Simcoe North that I congratulate him on the process he used to make sure that we weren't passing legislation that was going to get defeated because of a loophole or because of things that weren't thought all the way through. So my congratulations to the member for his diligence in making sure that we had legislation that was acceptable and actually supportable. I commend him for doing a good job.

We're not always on the same side of the fence, as he well knows, but in the cases where we are, we say so, and I think he deserves that credit.

There are a few things I want to point out that I think need to be reconciled in committee, which I hope it does get to. WSIB does not recognize the side effects that are caused from medications, such as what is called an HIV cocktail. So we need to make sure that that's brought up, to understand that we had better start taking a look at other ministries that are affected by this legislation.

What happens in the event of a medical officer not being available as fast as possible? These things happen 24 hours a day. Have we got in place legislation or pieces inside this legislation that may say "or deputized persons"?

Hospitals, as mentioned by the member from Windsor, need to be prepared for this legislation inasmuch as having these cocktails available. There will be, whether we admit it or not, funding issues that have to be taken care of to implement this properly.

The member from London-Fanshawe raised a concern about confidentiality. He missed the point. His thinking was too linear. What the comment on confidentiality was talking about very specifically was making sure that the information gleaned was not made accessible to everyone else. That's all that means. It wasn't that we're not going to let somebody who has been exposed to a danger tell their spouse, that they weren't allowed to say anything. That's not the point.

Finally, I look forward to talking in the committee about this, and I will leave some time for the member for Kingston and the Islands.

**Mr David Christopherson (Hamilton West):** I appreciate the opportunity to join in the debate on this bill. I was thinking earlier, as we started the discussion, about an article that was written by a columnist in the Hamilton Spectator many years ago when I was a younger alderman in the city of Hamilton. The columnist was Tammy Paiken-Nolan and the article was about the fact that easy decisions in terms of right and wrong don't normally find their way in front of elected representatives as a rule. The easy ones take care of themselves. Our job, what we're elected to do, is to deal with the tough ones.

The toughest issues that come before us, quite frankly, are not necessarily the economic ones and are not necessarily the headlines of the day. They come down to the very fundamentals that we're debating here this morning, and that is one set of rights as a human being, as a Canadian, as an Ontarian, versus another set of equally important rights. That's what we have today. If anyone thinks that the issue of unreasonable search and seizure is not important, then if you're at home watching this, think about the fact that it's only that right that exists right now in law that prevents agents of your government from knocking down, bursting through, your front door right now and doing as they please in your home. It's because of our constitutional rights and our rights on unreasonable search and seizure that that won't happen.

If anybody thinks that's not too important in terms of the personal rights, there's a member of the current government cabinet who had to be brought kicking and screaming to bring in his member's disclosure form, where we all go to the Integrity Commissioner and lay out our financial souls, because he believed it was an unfair intrusion into his right to privacy. It wasn't even a debate; it was the law. But he felt so strongly about his right to privacy that he really had to be dragged kicking and screaming to fill in those forms and make a presentation to the Integrity Commissioner.

I raise those because I think it's incredibly important that we not see this as a simple issue of right and wrong. Perhaps, given my personal background as a former justice minister in Ontario and a former elected labour leader, I can see both sides of this so clearly, in my mind at least. I think about the police officer, correctional officer, paramedic, firefighter, all those involved in emergency response, and the situations they face day after day. Should they encounter a circumstance as described by friends earlier here in this place, I think about them going home that night and looking at their kids and saying, "Am I bringing evil into my home? Am I bringing harm to my children?" and at night, when they are with their partner, "Am I bringing harm to my partner?" as you think about the intimate aspect of one's relationship.

Yet people are innocent in this province until they are proven guilty. It's not unusual for our justice system to make mistakes, and that's why it's often dangerous for us to get caught up in headlines or in seeing things as too black and white. If you question whether or not that can happen and whether that's important to the average person, think about Mrs Milgaard, a mother who for years fought for her son's life because she believed he was innocent. Ultimately, it was proven that he was.

1200

I raise that because I want to bring in the issue of capital punishment, only to the extent that one of the things we don't want to do is leave the impression that all will be well if we pass this law. As humans, we have that desire that we'll do one quick thing, a quick fix, and we'll solve everything and then we can stop worrying about it and go on with our lives because it's taken care of. Capital punishment is like that, in my opinion, to the extent that there are those who think capital punishment is a deterrent, and yet there's not one study that I'm aware of which makes that conclusion. If it had that deterrent effect, I would be one of those who would switch and change my balance of thinking and I'd be on side with it, but it doesn't, and for whole host of other reasons I don't support that.

But in this particular case, we're being asked to consider a law that violates not somebody's home. This is not just bursting down your front door. This is not just asking one of our cabinet ministers to show the Integrity Commissioner what their personal financial dealings are. This is somebody bursting through your door, grabbing hold of you, holding you down and taking away your blood. In a free society, I can't think of anything that would suggest that's trivial.

On balance—and our caucus really wrestled with this one for the very issues I've outlined here—our caucus has decided that we will support this going to committee because, again, on balance, one has to make decisions around whose rights survive and who has to give up some rights. We're pleased that the member chose to go the route of the medical officer of health. I was really worried at first that it was going to stay within the criminal justice system. The problem with that is, again

speaking from my background as a former chair of the regional health and social services committee in Hamilton, I know very clearly that the incubation period, for instance, of HIV is six months. Just because you do a test today and it's negative does not mean that the person you've tested doesn't have HIV. That false sense of security that I raised around the issue of capital punishment is very much front and centre here, so I'm pleased that rather than leaving it to a criminal process, it goes to the medical officer of health for the first determination.

Obviously, all of this law, whether it's going to be deemed to be good law or bad law, will be determined around the issue of "reasonable grounds." Based on that kind of language, we are comfortable moving this bill from our debate today into committee, because what really matters is, what will the law or the regulations say is reasonable grounds? "I don't like the way someone looks" is not reasonable grounds, and if that sounds a little far-fetched in this time that we're in, think about it.

By the same token, if there is enough evidence that clearly an innocent emergency service worker could be at risk, then we have an obligation as legislators, as those who decide these kinds of rules in our society, to ensure that the rights of that vulnerable worker are protected. Really, the only way we can determine that is to get into committee and start looking at the issue of reasonable grounds.

I do want to bring into this—and I note that the Solicitor General is in the room. I understand he's not going to speak, but I would ask him to nod if my time has gone by in terms of the policy as I understand it.

Certainly a number of years ago the policy of universal precautions was the policy that we held to. I noticed the Minister of Correctional Services was here earlier. What that says is, rather than trying to determine who might have a communicable disease and then we take precautions, that all emergency response workers are to treat every circumstance as if they may be exposed, and therefore they are to take universal precautions.

It does make sense, because we're talking about situations that are obvious here. What about situations that aren't obvious? We do not know, nor should we, that there aren't members of this Legislature here today who have HIV. There are numerous ways we as individual human beings can come into contact in a way with other human beings that could cause a transmission of a disease, unbeknownst.

Again, this issue of wanting to ensure that we aren't telling the public, "By passing this, everything will be fine"—there are still many circumstances, when we've got deadly diseases like AIDS out there, where we need to be taking precautions, not just as emergency service workers but also as individuals, as parents and as partners of people we love.

Taking universal precautions makes a whole lot of sense, and it has nothing to do with pointing a finger and saying, "You look like someone who has a disease I should be worried about." It speaks to the reality of the



science of disease. To that end, it would be nice if we put as much passion in this place into talking about the root causes of crime—why are there increases in some crimes? What are the real reasons for that?—and also the whole idea of eliminating AIDS and other communicable diseases. Ultimately, that's the only real solution: wipe it out. Then we don't have to worry about this, your rights versus my rights. Governments have that obligation too.

In concluding, I want to say to all members of the House that on a personal level I've enjoyed the debate. I'm prepared to admit to some trepidation coming in this morning and looking at the nature of it, remembering some debates we've had around some issues. I'm pleased to be a part of this particular debate, regardless of how we all feel. I have a hunch, listening this morning, that whether you're a Tory, a New Democrat or a Liberal, on this kind of issue, on one of rights versus rights, we may not really be that far apart.

If that's the case, then sending this to committee, bringing in the experts, bringing in the advocates from all walks of life—all those who are affected—makes the most sense, in the opinion of our caucus.

Therefore, we would enjoy participating and would do so diligently in such committee hearings. In order to facilitate those discussions, we're prepared to lend our vote today to pass this bill and send it off to committee for those very deliberations.

**Mr Bart Maves (Niagara Falls):** I appreciate the opportunity to speak to the member for Simcoe North's bill. I want to congratulate him for his initiative. I want to congratulate him for the process through which he's come up with this bill. As some members have talked about already, the bill has taken some different forms over a period of time. It's now in a form where, if a victim of crime or an emergency services worker with just cause would feel the need to find out if someone they came in contact with, whether through a rescue or as a victim of crime, if they thought there was a need to find out something about the person's medical history—quite frankly, whether or not they had a communicable disease. I commend some of the members opposite for recognizing the dilemma that people from those three associations and other similar workers who are not members of those associations face on a day-to-day basis, and indeed that some people who are victims of crime face.

1210

Some of the members opposite said that you shouldn't trivialize the taking of blood from somebody, and I would say clearly to those members that I think the member for Simcoe North is not trivializing this at all. He has a process spelled out using the medical officers of health to determine whether or not it's appropriate to obtain blood from someone. That medical officer of health would be responsible for determining if circumstances indeed required or made it advisable to get such a blood sample from somebody. So I don't think the member trivializes it.

The member has said that he'd like the bill, if approved today, to go to a committee for further hearings

where perhaps that process could be fleshed out and some meat added to the bones, although I hope not so much meat that it becomes too difficult and with too much red tape to actually obtain a sample once the bill passes.

Similarly, I think the obligations of the analysts of the blood, section 9 of the bill, need to have a second look. People need to know the analysts of that blood sample need to clearly know what their responsibilities and obligations are with regard to that sample and privacy.

I support the bill. I commend the member. I hope all of the members in the Legislature support it. I look forward to working with the member to improve the bill and see, ultimately, to its passage and implementation.

**Mr John Gerretsen (Kingston and the Islands):** It has already been stated earlier that we on this side of the House will be supporting this resolution. It's quite obvious that we should do everything we can in order to protect especially those emergency workers we have working for us on a day-to-day basis in fire departments and at police stations within emergency situations etc, and anything we can do to protect their health, the better it is for all of us.

By the same token, since this member obviously is concerned about health care concerns, I would implore him and the other members of his caucus to support the resolution of our member Ms Papatello as well to make sure that the CCACs are properly funded so that the vulnerable in our society who need nursing home care can get the adequate services that this government currently denies them. So support that resolution as well.

**Mr Dunlop:** I'd like to thank everyone who made comments here this morning: the member for London-Fanshawe; my colleagues from Windsor West and Thunder Bay-Atikokan; Dr Galt from Northumberland; the member for Brant, the justice critic; the member for Hamilton West; the member for Niagara Falls; and the member from Kingston. I appreciate the fact that there seems to be support here this morning for this particular piece of legislation.

Earlier I had an opportunity to make a few comments, and I didn't get an opportunity to actually address the people who were here today who have given us so much support on this bill. I will just read their names again and ask them probably to stand, if they don't mind: first of all, Bruce Miller from the Police Association of Ontario; Natalie Hiltz and her husband, who are both constables, from the Peel police services; Paul Bailey, the chair of the Peel Regional Police; Sean O'Connor, chair of the Peel police association; and we have Jimmy Lee of the Toronto firefighters' association—they're in the top gallery up there—Patrick Kerr of the Ontario firefighters' association; and Mark Ferguson from the Ontario Paramedic Association.

I just want to say what a pleasure it is to work with these gentlemen. As I said earlier, they're the people who put their lives on the line and they represent the people who put their lives on the line every day of the year for the province of Ontario and for the folks we all represent.

I'll be asking for this particular bill to go the to the justice and social policy committee. I hope that we can get a lot of good, valuable input from the citizens across our province as we look toward passage of this bill in the future.

**The Deputy Speaker:** This completes the time for debate on ballot item number 22.

### HOME CARE

**The Deputy Speaker (Mr Michael A. Brown):** We will now deal with ballot item 21. Mrs Papatello has moved private member's notice of motion number 14. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members, following dealing with ballot item number 22.

### HEALTH PROTECTION AND PROMOTION AMENDMENT ACT, 2001

#### LOI DE 2001 MODIFIANT LA LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ

**The Deputy Speaker (Mr Michael A. Brown):** Mr Dunlop has moved second reading of Bill 105. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will divide on this also.

Call in the members for a division on ballot item number 21.

*The division bells rang from 1216 to 1221.*

### HOME CARE

**The Deputy Speaker (Mr Michael A. Brown):** All those in favour will stand and remain standing until recognized by the Clerk.

#### Ayes

Agostino, Dominic	Crozier, Bruce	Martel, Shelley
Bartolucci, Rick	Di Cocco, Caroline	McGuinty, Dalton
Bisson, Gilles	Dombrowsky, Leona	McLeod, Lyn
Bountrogianni, Marie	Duncan, Dwight	McMeekin, Ted
Boyer, Claudette	Gerretsen, John	Peters, Steve
Bradley, James J.	Gravelle, Michael	Phillips, Gerry
Bryant, Michael	Kennedy, Gerard	Pupatello, Sandra
Caplan, David	Kormos, Peter	Ramsay, David
Christopherson, David	Kwinter, Monte	Ruprecht, Tony
Colle, Mike	Lalonde, Jean-Marc	Sergio, Mario
Conway, Sean G.	Levac, David	Smitherman, George
Cordiano, Joseph	Marchese, Rosario	Sorbara, Greg

**The Deputy Speaker:** All those opposed will please stand and remain standing until they are recognized by the Clerk.

#### Nays

Amott, Ted	Hodgson, Chris	Snobelen, John
Baird, John R.	Jackson, Cameron	Spina, Joseph
Barrett, Toby	Johns, Helen	Sterling, Norman W.
Beaubien, Marcel	Johnson, Bert	Stewart, R. Gary
Chudleigh, Ted	Klees, Frank	Stockwell, Chris
Clement, Tony	Marland, Margaret	Tascona, Joseph N.
Coburn, Brian	Maves, Bart	Tilson, David
DeFaria, Carl	Mazzilli, Frank	Tsubouchi, David H.
Dunlop, Garfield	Miller, Norm	Turnbull, David
Ecker, Janet	Molinari, Tina R.	Wettlaufer, Wayne
Elliott, Brenda	Munro, Julia	Wilson, Jim
Galt, Doug	Mushinski, Marilyn	Witmer, Elizabeth
Gilchrist, Steve	Newman, Dan	Wood, Bob
Gill, Raminder	Runciman, Robert W.	Young, David
Guzzo, Garry J.	Sampson, Rob	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 36; the nays are 44.

**The Deputy Speaker:** I declare the motion lost.

### HEALTH PROTECTION AND PROMOTION AMENDMENT ACT, 2001

#### LOI DE 2001 MODIFIANT LA LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ

**The Deputy Speaker (Mr Michael A. Brown):** We will now open the doors for 30 seconds, and then we will have a vote on ballot item number 22.

Mr Dunlop has moved second reading of Bill 105. All those in favour will rise and remain standing until they are recognized by the Clerk.

#### Ayes

Agostino, Dominic	Elliott, Brenda	Molinari, Tina R.
Amott, Ted	Galt, Doug	Munro, Julia
Baird, John R.	Gerretsen, John	Mushinski, Marilyn
Barrett, Toby	Gilchrist, Steve	Newman, Dan
Bartolucci, Rick	Gill, Raminder	Peters, Steve
Beaubien, Marcel	Gravelle, Michael	Phillips, Gerry
Bisson, Gilles	Guzzo, Garry J.	Pupatello, Sandra
Bountrogianni, Marie	Hodgson, Chris	Ramsay, David
Boyer, Claudette	Jackson, Cameron	Runciman, Robert W.
Bradley, James J.	Johns, Helen	Ruprecht, Tony
Bryant, Michael	Johnson, Bert	Sampson, Rob
Caplan, David	Kennedy, Gerard	Sergio, Mario
Christopherson, David	Klees, Frank	Smitherman, George
Chudleigh, Ted	Kormos, Peter	Sorbara, Greg
Clement, Tony	Kwinter, Monte	Spina, Joseph
Coburn, Brian	Lalonde, Jean-Marc	Stewart, R. Gary
Colle, Mike	Levac, David	Stockwell, Chris
Conway, Sean G.	Marchese, Rosario	Tascona, Joseph N.
Cordiano, Joseph	Marland, Margaret	Tilson, David
Crozier, Bruce	Martel, Shelley	Tsubouchi, David H.
DeFaria, Carl	Maves, Bart	Turnbull, David
Di Cocco, Caroline	Mazzilli, Frank	Wettlaufer, Wayne
Dombrowsky, Leona	McGuinty, Dalton	Wilson, Jim
Duncan, Dwight	McLeod, Lyn	Witmer, Elizabeth
Dunlop, Garfield	McMeekin, Ted	Wood, Bob
Ecker, Janet	Miller, Norm	Young, David

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 78; the nays are zero.



**The Deputy Speaker:** I declare the motion passed.

Pursuant to standing order 96, this bill will be referred to committee of the whole House.

**Mr Garfield Dunlop (Simcoe North):** Mr Speaker, could I have the bill referred to the justice and social policy committee?

**The Deputy Speaker:** Mr Dunlop has requested that the bill be referred to the standing committee on justice and social policy. Agreed? Agreed.

All matters relating to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

*The House recessed from 1228 to 1330.*

### THANKSGIVING

**Mr Rick Bartolucci (Sudbury):** On a point of order, Mr Speaker: As we all know, this is Thanksgiving weekend and I know you and all the members of the House, along with the public servants who serve this chamber, will be giving thanks for the enormous bounty of gifts we have in the province of Ontario. This weekend I will be giving thanks for a beautiful gift. She's an 84-year-old senior. Her name is Mary. She's my mother. She's celebrating her birthday today. Happy birthday, mom.

**The Speaker (Hon Gary Carr):** I thank the member. We join in the sentiments about Thanksgiving to all of the staff who work here and to all the people in this province, and also to Mrs Bartolucci, who I know watches each day. Happy birthday to you from all of the members here in the chamber.

### MEMBERS' STATEMENTS

#### ANIMAL PROTECTION

**Mr Mike Colle (Eglinton-Lawrence):** Buon compleanno, Mrs Bartolucci.

I rise to speak about a deplorable practice in this province, and that is the practice of puppy mill operations. Puppy mills are breeding operations where dogs and other companion animals are abused and bred in unsanitary, inhumane conditions. The health and welfare of these poor companion animals are disregarded for profit and greed.

This practice was brought to light recently by the abominable discovery of a notorious inhumane breeder operating in Vaughan and Fenelon Falls. This puppy mill operator has been operating with impunity for over 35 years in this province. Unfortunately, pet mills can be found all over Ontario. The SPCA estimates there are over 400 of them operating as we speak today.

There is a large gap in provincial legislation, and penalties for inhumane animal breeders are basically nonexistent. However, the Ontario government can do more. Right now, anybody in this province can claim to be a breeder or operate a kennel without any regulation.

I have introduced a bill to ban puppy mills and get tough on these bandits. These poor animals cannot defend themselves or speak for themselves. On behalf of the animals that are abused and the owners who want to protect them and want good animal treatment, we should pass tough legislation in this province to put these damn bandits out of business.

#### EYE CENTRE

**Mr John O'Toole (Durham):** I rise in the House today to speak with respect to the opening of the eye centre at Lakeridge Health Bowmanville. Last Thursday, September 27, the hospital officially opened its new state-of-the-art surgical suite for cataract surgery. Most of us recall that cataract used to be treated with a two-and-a-half-hour operation and a hospital stay of up to 10 days. Today, modern surgical techniques require only 15 to 30 minutes under local anaesthetic.

Lakeridge Health estimates that 5,000 intraocular lens procedures will be performed at Bowmanville hospital during the 2001-02 fiscal year.

I'd like to recognize Judy Spring, chair of the Lakeridge Health board of trustees, Brian Lemon, chief executive officer of Lakeridge Health Corp, and Chris Kooy, chief operating officer for Lakeridge Health Bowmanville. They were the hosts of the official opening of the eye centre. I'd also like to pay tribute to the talented surgeons and their staff who have made Lakeridge Health Bowmanville a critical regional centre for eye care.

This facility not only serves the people who live in Durham, but also receives referrals from neighbouring communities. At last week's opening, Dr Athey Ro, an ophthalmologist, discussed what the eye centre means for the physicians, staff and, most importantly, patients. There was also a cheque presentation to the centre by Victor Fiume, community manager of Wilmot Creek. The president of memorial hospital foundation, John Loreto, accepted the donation. The foundation is to be commended for its dedicated fundraising efforts on behalf of Lakeridge Health and the eye centre.

This is just one more clear example of the good things that are happening at Lakeridge Health Bowmanville specifically and in Durham generally. I am pleased to say that this is good news to be shared, not just in my riding but for all the people of the province of Ontario.

#### RENT REGULATION

**Mr Michael Bryant (St Paul's):** I've been going from apartment building lobby to apartment building lobby across the riding of St Paul's and I want to report to this House how the tenant destruction act has visited rent hikes upon the people of St Paul's like this province has never seen in more than 25 years.

One in four tenants in this province are spending more than 50% of their gross annual income on their rent. Some 60,000 apartments in Toronto are getting a huge

rent hike called above the guideline rent increase. The average TO rent is just under a thousand dollars.

Here are some examples: 99 Marlee, 9%; 39 Raglan, 9% rent hike; 194 Vaughan Road, 8% rent hike; 110, 111 and 120 Raglan, more than 7% rent hike; 2 Clarendon Avenue, nearly 7% rent hike; 420 Eglinton Avenue East, 10% rent hike in one year; 377 Riddell, 10%; 45 Balliol, more than 10%.

It's time for the government to repeal the tenant destruction act. It's not building more housing; it's creating unconscionable and impossible conditions, particularly for those on fixed incomes, particularly for new Canadians, particularly for seniors. It's time to restore rent control across the board in this province again—no ifs, ands or buts.

### CONSTITUENCY OFFICE

**Mr Michael Prue (Beaches-East York):** I rise to first of all thank the good people of Beaches-East York for the confidence they have shown in me, not only in the past 13 years but especially in sending me to such an august chamber.

I am proud to announce that the new constituency office will be up and operating on Tuesday of next week. We will be open for business at 2171 Danforth Avenue, telephone number 416-690-1032. The Web site will be operational by then too. I would invite all the people of Beaches-East York who have been awaiting the opening of the office with their constituency problems to come forward next Tuesday and we'll deal with them as best we can.

### AL BUSH

**Mrs Julia Munro (York North):** Next week is Fire Prevention Week. Today, I am pleased to pay tribute to Georgina Fire Chief Al Bush, who retired a few weeks ago.

Al Bush was born in a little hamlet near Marlbank, close to Tweed, in southeastern Ontario. He signed up as a volunteer firefighter in 1956. At the end of the year, the volunteers and the chief evenly split what they were paid for the year—the grand total of \$800, about \$40 apiece. He spent the next seven years as a volunteer firefighter before he settled in Georgina with his wife, Ruby; son, Randy; and daughter, Karen. Al bought the butcher business in town and signed up as the part-time fire chief.

His son, 18-year-old Randy also signed up as a volunteer firefighter. The fire station was located across from the post office in Keswick. Many volunteers were literally steps away, including Al and Randy in the butcher store, Gib Paul at the post office, Roy Doran next door and Bert Rye across the road.

Al Bush has been witness to enormous changes over the years: improvements in firefighting techniques, equipment and the beginning of full-time professional firefighters.

In 1980, Bush was hired as the part-time chief. That was the extent of the firefighting contingent in the town. Today that has grown to 21, including volunteers.

Al Bush, thank you for your compassion, generosity and commitment to a profession whose great personal risks are better understood today than they were three weeks ago. Enjoy your retirement, Al. You deserve it.

### DOCTOR SHORTAGE

**Mr Michael Gravelle (Thunder Bay-Superior North):** This past Tuesday I attended an important event in Thunder Bay focusing directly on the doctor shortage crisis in our community. Sponsored by Thunder Bay Television and broadcast live across their viewing area, the evening featured a panel of medical professionals, leaders in the medical education field and municipal representatives who have been working feverishly to attract more physicians and other key medical professionals to our community.

### 1340

Certainly, the need is great. Over 25% of Thunder Bay residents are without a family physician and our lack of key specialists is somewhat overwhelming. However, despite the challenges we face in a province that has over 100 underserved communities competing for a limited number of physicians, there emerged that evening a clear sense that with the support of the Ontario government, Thunder Bay can become an increasingly attractive location for doctors to locate permanently.

First and foremost, the province must provide the needed financial support toward the construction of our new hospital. This new regional centre will be a magnet for doctors looking to work in a state-of-the-art facility.

Secondly, the province must understand that the northern and rural medical school must be an equally shared campus between Lakehead and Laurentian universities. We know that if medical students are educated in our community, they are far more likely to stay there.

The government must also support in more than words the role that nurse practitioners can play in alleviating this crisis. Funding must be available to fill all the positions for which we apply.

The taxpayers and citizens of Thunder Bay have contributed more than their share in supporting these efforts. What we need from the government today is a commitment that our efforts to solve this crisis will not be thwarted by a lack of support from the province.

### ERNIE COOMBS

**Ms Marilyn Mushinski (Scarborough Centre):** I rise in this House today to honour the memory of a great man. On Tuesday, September 18, Ernie Coombs, known to generations of children as our loveable friend Mr Dressup, passed away at Toronto Western Hospital following complications from a stroke.



Ernie Coombs was 73 years old. He is survived by his three children, Christopher, Barry, and Catherine Minott, and six grandchildren.

I had the honour of attending his memorial service on Friday, September 21. There was an outpouring of emotion for this quiet, gentle and sensitive man who delighted both children and adults alike for many years with his television show. Mr Coombs was a fixture on CBC TV for more than 30 years and over 4,000 shows as the kindly man with the puppet sidekicks who kept children entertained with make-believe and simple crafts. My own children were Butternutters, graduates of the Butternut Nursery School operated by his late wife, Lynn, and based on the principles that he lived by: love, caring and respect.

Ernie Coombs was named to the Order of Canada in 1996, only a few years after becoming a Canadian citizen. Prime Minister Jean Chrétien called him "an icon, to be remembered for generations to come."

Goodbye, my friend. You will be missed.

### WATER QUALITY

**Mr Michael A. Brown (Algoma-Manitoulin):** I want to direct my statement to the Minister of Northern Development and Mines and the Minister of the Environment, as I raise again in this House the plight of many communities in the constituency of Algoma-Manitoulin.

The town of Bruce Mines is still boiling its water, and has been since May or June of last year. For more than a year, this government has chosen to ignore the people of Bruce Mines. The Mike Harris government has down-loaded to the town of Bruce Mines the municipal water system that belonged to the province until it was down-loaded, and has not provided them with resources.

Small communities across the entire constituency need millions of dollars to upgrade their systems to meet the provincial standard. It is unacceptable that the communities in my constituency not be entitled to the same quality of water as everyone else in this province. Just last week, the town of Gore Bay had a boil-water order slapped on it. It's unacceptable.

Assignack Reeve Hugh Moggy says, "We received a letter from the province saying they would pick up half of...our engineer's report. That is not enough. If they decide to fund the capital at 50%, then we are dead in the water because we are looking at at least \$6 million."

It's unacceptable. People from White River through to Gore Bay and other places need the funding now.

### ORILLIA SOLDIERS' MEMORIAL HOSPITAL

**Mr Garfield Dunlop (Simcoe North):** I want to take this opportunity to thank everyone who supported my private member's bill this morning.

On Friday, September 21, I had the opportunity of participating in a wonderful event in the city of Orillia. The event, titled *The Beginning*, was the actual begin-

ning of the redevelopment and expansion of one of the most efficient and staff-dedicated hospitals in our province, the Orillia Soldiers' Memorial Hospital.

For almost 20 years the staff, administration, board, auxiliary and the community have planned to see this facility redeveloped. In June 2000, Minister of Health and Long-Term Care Elizabeth Witmer provided funding approval, and this July, Minister Clement gave the board of directors the functional program approval.

The actual fundraising campaign is chaired by former Simcoe North MP, the Honourable Doug Lewis.

At *The Beginning*, it was exciting to see board chair Karen Wilford operate a huge backhoe, along with 80-year-old Morris Shelswell, owner of the long-established firm Morris Shelswell Excavating. Morris and Karen, with one swipe, began the demolition of an old house to make way for the new parking lot. This project is long-awaited and good news for the city of Orillia and district.

I congratulate all the partners, including the city, the county, the province, the board, the hospital auxiliary and all the people responsible for the fundraising. It's long awaited, and it's a wonderful project for our community. We're very proud to see the beginning of this project.

### INTRODUCTION OF BILLS

#### WORLD TEACHERS' DAY ACT, 2001

#### LOI DE 2001 SUR LA JOURNÉE MONDIALE DES ENSEIGNANTS

Mr Marchese moved first reading of the following bill:  
Bill 106, An Act to proclaim World Teachers' Day in Ontario / Projet de loi 106, Loi proclamant la Journée mondiale des enseignants en Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Rosario Marchese (Trinity-Spadina):** The purpose of World Teachers' Day is to recognize the work and the role of teachers. I asked this minister last year, and we're asking her again today, to proclaim October 5, 2001, World Teachers' Day in Ontario.

Several of the federations have asked—David, are you OK?

**Mr David Christopherson (Hamilton West):** Yes, but we're trying to determine if it's "world" or "rural."

**Mr Marchese:** You didn't hear it well. The minister knows it's "world." Sorry, Speaker.

A number of federations have written to you, making that request. As I say, I made that request to you last year, and I hope you will consider it this year. It's obviously a way of commemorating the commitments teachers make every day to building the future of Ontario.

"The theme is timely, as school boards across Ontario are finding it difficult to attract and keep enough qualified teachers," says the Ontario Teachers' Federa-

tion. "It's an opportunity to enhance the profession in the eyes of all Ontarians."

I ask you to proclaim October 5, 2001, as World Teachers' Day.

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon Janet Ecker (Minister of Education, Government House Leader):** I seek unanimous consent to put forward a motion regarding private members' public business.

**The Speaker (Hon Gary Carr):** Agreed? Agreed.

**Hon Mrs Ecker:** I move that, notwithstanding standing order 96(d), the following changes be made to the ballot list for private members' public business: Mr McGuinty and Mr Gravelle exchange places in order of precedence, such that Mr McGuinty assumes ballot item number 27 and Mr Gravelle assumes ballot item number 26.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

**Hon Janet Ecker:** I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker:** Is there unanimous consent? Agreed? Agreed.

**Hon Mrs Ecker:** I move that, notwithstanding standing order 96(g), the requirement for notice be waived with respect to ballot item 26, now standing in the name of Mr Gravelle.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

1350

### FIREFIGHTERS' MEMORIAL DAY AND FIRE PREVENTION WEEK

**Hon David Turnbull (Solicitor General):** Mr Speaker, I believe we have unanimous consent that each party will be able to speak for approximately five minutes on Firefighters' Memorial Day and national Fire Prevention Week.

**The Speaker (Hon Gary Carr):** Agreed? Agreed.

**Hon Mr Turnbull:** I certainly appreciate the opportunity to tell the House about two important events that are taking place in the province next week. The first is Firefighters' Memorial Day and the second is Fire Prevention Week.

Before I make my remarks, I would like to acknowledge some special guests that we have from the fire-fighting community who are in the gallery today: Doug Crawford, Ontario's deputy fire marshal, Krystyna Paterson, the manager of fire safety standards for the Ontario fire marshal's office; Milt Wilson, the president of the Ontario Association of Fire Chiefs; Patrick Kerr, a

Toronto firefighter and vice-president of district 1 of the Ontario Professional Fire Fighters Association, which is known as the OPFFA; Jim Richards, the president of the Firefighters Association of Ontario and a volunteer firefighter for Clearview, station 4; Bill Burns from the Firefighters Association of Ontario, board member and a volunteer firefighter in Paris, Ontario; and Brian Willems who is a volunteer with the Norfolk district.

This Sunday we will mark the first provincial Firefighters' Memorial Day in Ontario. The first Sunday in October has been designated to remember and honour those firefighters who have given their lives in the line of duty. This weekend I'm going to attend a special memorial service at the Ontario Fire College in Gravenhurst. Other communities will be holding their own ceremonies. Fire services in Ontario lost two of their own this year. I'm talking about Captain Pat Carey of Toronto, who served as a firefighter for over 28 years, and Captain Dennis Redman, a 22-year veteran of St Thomas, both dedicated firefighters. We know that firefighters lay their lives on the line every time they respond to a call. No one can dispute that they are indeed heroes.

Since 1980, 27 Ontario firefighters have died in the line of duty. As we remember our own heroes, we are also thinking about the hundreds of firefighters and other emergency service personnel who died in New York last month. I want to again express Ontario's deepest sympathies to our American brothers and sisters. The dedication and bravery of firefighters was exemplified in a story one witness told reporters. The young man described how, as thousands of people were fleeing down the emergency stairs of the World Trade Center, firefighters and other emergency workers were racing up the stairs. As we now know, hundreds of those heroes never came out again.

Firefighters everywhere put themselves in harm's way for the rest of us. Tragically, sometimes they pay the ultimate price to protect our safety. We are indeed privileged here in Ontario to have highly trained and professional men and women safeguarding our communities. They're so good at what they do that sometimes we lose sight of the vital role they play. Firefighters' Memorial Day will serve as an annual reminder of everything we owe to these brave men and women. I'm sure everybody in the House will join with me in saying a heartfelt and sincere thank you for the efforts of Ontario firefighters.

I want to talk about another important matter, and that is the ways we can protect our families and help our firefighters in their jobs. I'm talking about preventing fires before they start.

This year Fire Prevention Week takes place from October 7 to 13. It's a time to remind everyone of the importance of fire safety. Since 1997 the number of fire fatalities in Ontario has decreased. In 1997 the number of fatalities was 155 compared with 102 in 2000. Although Ontario continues to show a downward trend in fire fatalities, there is much more work to be done. Last year 53 people died tragically in house fires in Ontario. Many



of those fires were preventable. The Harris government and the office of the Ontario fire marshal are committed to reducing and even eliminating fire deaths and injuries.

The theme of the this year's Fire Prevention Week is Cover the Bases and Strike Out Fire. We're using a baseball metaphor to encourage people to cover the three major bases in their homes. The kitchen is first base, heating equipment is second base and electrical fire is third base. These are known to be the three leading causes of home fires. Home plate is dedicated to home evacuation planning and testing of smoke alarms.

In Ontario more than 25% of all home fires start in the kitchen and cooking fires are the leading cause of home fires and injuries. But there are some simple things we can do to increase fire safety in our homes. For example, we know that smoke alarms are still the most effective early warning devices available today. We should make sure that fire alarms in our homes are in good working order.

It's important that everyone in a home knows what to do and where to do if the alarm sounds. Home evacuation plans that are regularly practised help safeguard the lives of our families, our friends and our pets.

I encourage everyone to explore the Web site on the Ontario fire marshal's office for more information on fire prevention. The Web site is [www.gov.on.ca/ofm](http://www.gov.on.ca/ofm). The Web site offers a fire safety check list to help eliminate hazards in the home, Fire Prevention Week lesson plans for teachers and an on-line game for children to raise awareness about fire prevention.

I'd also like to urge the public to contact their local fire service for more information on fire prevention. Although we observe Fire Prevention Week at this time of year, preventing fires can be practised year round. Remember, safety counts.

On a personal note, I want say that my uncle was an officer in the London fire brigade in London, England, throughout the Blitz. I remember many stories he told me about the tragic situations and the heroics of firemen, and that impressed me from an early age.

I encourage everybody to make sure you encourage young people to find out about fire prevention, because we can make sure that our province is safer.

**Mr Dave Levac (Brant):** I rise today with humility and great respect for our firefighters. On behalf of Dalton McGuinty and the Liberal caucus, it is a pleasure to recognize our fire prevention officers who are here today, and our firefighters across the province, and the United States and the world.

Fire Prevention Week from October 7 to 13 is of utmost importance to all of us. I want to reflect for a moment on a point that sometimes gets missed. I want to thank our teachers, our schools and our principals who bring forward the safety message day in and day out, on a regular basis. I want to thank the co-operation of the fire prevention officers who come into our schools and share their knowledge and make sure the teachers are presenting the information in a very tangible way for our kids.

1400

As a principal of an elementary school over the last few years in my career before I left teaching, I was always amazed at the willingness of those prevention officers to come forward and to offer our kids that knowledge. Believe it or not, there were times when I had phone calls from parents who came back to me and said, "My kid taught me something today. My kid taught me about an escape route in the house. My kid taught me today to make sure that I change the batteries in my detector when we change the clocks forward and back." Those simple little rules save lives.

To our fire prevention officers and that section from the fire marshal's office, to our teachers, to our principals, to our schools, to our parents, thank you for taking that simple message and turning it into a life-saving exercise. Congratulations on the job you've done. We know that fire deaths have diminished. We know that. We also know that your colleagues who are on the suppression side, day in and day out, offer their lives to us in a way that no one can understand except for them and their families. We appreciate it but we just don't understand that going to work, you may have to give your life. To you we say, on behalf of Dalton and the Liberal caucus, God bless you for that contribution and thank you very much for that dedication.

There's a kindred spirit among all of our safety providers: those in the police, the paramedics, the firefighters, even the correctional officers who are included inside of this who get forgotten sometimes, probation and parole officers, all of those people who have that great responsibility to protect us in any way. We must understand that we must do what we can to make sure they themselves are safe. That's why our caucus was pleased to support the bill this morning that was put before us about information that's necessary to protect their safety.

What we want to make sure the ministry understands, though, is that a simple bill like Bill 26, an act to amend the Safe Streets Act and the Highway Traffic Act, offered by the member for Essex, Mr Bruce Crozier, is another tangible way that can be done today to show our firefighters, who give of themselves off-duty to raise funds for charities—believe it or not, hundreds of thousands of dollars have gone uncollected because of the Safe Streets Act, and a simple amendment was offered to the government, which continues to refuse to pass it. I say today, show your concern, show your appreciation for those fundraisers and those fire departments, and accept this bill today.

I was also very proud and privileged to offer the legislation of Bill 107, my bill that recognized Firefighters' Memorial Day. I was very pleased that we had unanimous consent and the bill was passed, so on October 7 we will be experiencing our very first official memorial day. I will be joining the minister in Gravenhurst in showing my respect and consideration to the firefighters of the province of Ontario.

I have received over 30 memos back from municipalities across the province, and it's growing, acknowledging

what they're going to do in their communities to honour our fallen firefighters. To them I say thank you very much for your dedication, thank you very much for your recognition.

There are some very simple things we can do to enforce what it is, to show our respect to those firefighters, a very simple act, and we can do it to all of our safety providers. When you see them, extend a hand and shake their hand and say, "Thank you for a job well done. Thank you for protecting us. Thank you for doing the job that you do day in and day out, and God bless you and your families."

**Mr Peter Kormos (Niagara Centre):** I am incredibly proud to speak to the event of Firefighters' Memorial Day as well as Fire Prevention Week on behalf of this caucus, the New Democrats here at Queen's Park.

All of us were incredibly shaken by the images of September 11, all of us knowing full well that they were not in Ontario, they were in New York state, but all of us, shaken as we were, were similarly incredibly moved by the courage, the selflessness, the preparedness to sacrifice one's own life in the service of others that sister and brother firefighters in New York City performed.

We know the firefighters in our communities, in the constituencies we represent. We work with them as often as we can and as often as the opportunity presents itself. We know those women and men in our communities who are firefighters, and we know that each and every one of them in every single community in the province of Ontario, were they called upon, would do the same thing without hesitation, would perform as fearlessly and as courageously and as selflessly as their firefighter sisters and brothers did in New York City.

I take pride in being able to join firefighters in my community, as my colleagues do in theirs, in celebrating the sacrifice of firefighter sisters and brothers in New York City, in Manhattan, because we know that by celebrating their courage, we're celebrating the courage and selflessness of our neighbours, our family members, our colleagues in our own communities who perform that service.

Firefighting has never been more dangerous. There's no question about that; there's no doubt about it. Similarly, firefighters have never been as well trained and as professional as they are today. What's remarkable about the firefighters we know and work with in our communities is that just as they are there on the front lines, and as often as not first at that line in the event of a crisis, they're also out there when it comes to serving the community.

When you go to a Big Brothers or a Big Sisters event and take a look at some of the volunteers participating in that, you see firefighters from that community volunteering as Big Brothers and Big Sisters. When it comes to fundraising events, just like my colleagues here, I've joined firefighters down in Niagara region and down in Welland in their boot campaigns. Regrettably, I confess, we've broken the law in the last couple of years, but we've been out there at East Main and Cross Streets

breaking the law with great pride, joining my colleagues, my friends, firefighters, women and men in Welland and Niagara region, raising money for people they'll never meet, for people whose hands they'll never hold. But they're out there doing it.

I know that firefighters are there, not just in fire suppression—that's the technical language; I hope I've got it right—firefighting, but they're also there when there's a maimed body just hanging on to life after a car accident. Firefighters are there first when there's an industrial accident and when a worker lies under what could be tons and tons of metal or a beam or their body is pierced by an industrial projectile.

I and my colleagues know these firefighters and know them personally. In our communities we had firefighters we grew up with. I think of the Labenski family in Welland. I remember their father, a volunteer firefighter down in old Crowland. The little fire station isn't even active any more. His son was the chief. His other son, Henry, is my age. We went to school together; we're friends. He's now head of the association down there. I know these people so well, but for the life of me I can't imagine yet, knowing them as well as I do, and my colleagues knowing them too, how they can confront the incredible danger that they do, how they can witness the incredible tragedy that they do on our behalf, yet still perform within their families, still be good dads and moms to their kids, and they are, and still be active members of the community in so many other ways, and they are, more often than not.

It is an incredibly special and surely God-given talent to be able to do what firefighters do as a lifetime career. I tell you, one encounters more than the rare firefighter, like we have here, who's not only a full-time professional firefighter in his or her so-called day job, but is a volunteer firefighter as well, sometimes in the community where they live outside the major city where they work.

#### 1410

These are very special people. We're very lucky to have them in our midst. I leave us with this: we can wish them well, and of course we do; we can praise their courage and commitment to their community and the welfare of the community, and of course we do; but let's not send our firefighters or any of those other emergency measures personnel out there into those incredibly dangerous situations, where people's lives depend upon them, with inadequate resources. We, as a province and as municipalities, as provincial taxpayers and municipal ratepayers, have got to understand that when we talk about supporting firefighters, it's not enough to say "God bless." We have to be prepared to give them the resources to do the job, to possess the tools they need to do the job that is so highly demanded of them.

Criticism is quick and speedy, isn't it? But the adequacy of resources is so often much slower to come. So I call upon all of us to commit ourselves to that, to support our firefighters in word, in spirit, but also to support them with the adequate investments they need in their services, in their staffing levels, in the tools they



have, so they can do their job effectively to ensure the safety of the community and to ensure their safety as well. They deserve that. They deserve more, but at least we can give them that much.

### WORLD TEACHERS' DAY

**Hon Janet Ecker (Minister of Education, Government House Leader):** I believe we have unanimous consent for each party to speak for five minutes on the occasion of World Teachers' Day.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mrs Ecker:** I'm pleased to rise in the House again this year to recognize World Teachers' Day, designated October 5 by UNESCO.

The theme of this year's day is "qualified teachers for quality education," and I think that's an important recognition of the contribution teachers make to our schools. It gives all of us an opportunity to publicly recognize the work and the efforts of our province's teachers.

Teachers have an important task, not only to impart knowledge to our students but also to instill in our children a love of learning that hopefully will last them a lifetime. It can be a difficult job. It can be a stressful job. But at the end of the day it is a job that can make a real difference in the life of a child.

Teachers often talk of their profession as a calling. I know that personally, for the many teachers who made a difference in my life and for the many committed and dedicated teachers I continue to have the opportunity to meet as minister, this is indeed the case. Ontario has many fine teachers who inspire their students to excellence, and this has certainly been particularly evident in recent weeks as our teachers have responded to the tragedy of September 11, helping our young people cope with these terrible events.

In Ontario we have set higher standards for our schools. We have brought in a new curriculum that is more rigorous, that sets challenging expectations for what students should learn at each grade level. Hundreds of teachers and educators helped to develop this new curriculum, the first comprehensive curriculum reform from kindergarten to grade 12, the first time such a comprehensive reform has occurred in years. There's no doubt this new curriculum is more challenging. It has meant a lot of work for students, for parents and particularly for our teachers as they become familiar with the new course material. But it is important work, because it helps ensure that our students are learning what they need to learn, and it is indeed making a difference in how well our students can succeed when they leave our school system.

In this province we've also moved forward with province-wide standardized student tests to measure how well we are doing in this curriculum. The tests help us to measure what works well and to identify areas where we can improve and help our students learn better.

We're moving forward with initiatives that will help us to improve and help our students to succeed, initiatives such as the Ontario early reading strategy, which sets clear goals for improving reading skills from junior kindergarten to grade 3 and puts in place support strategies for our teachers, our parents and our principals in those schools that are having difficulty, so that they can improve their ability to help our students to read.

These are very important steps and our teachers are vital to the success of these initiatives. As Minister of Education, I have appreciated the advice I have received from teachers on a range of issues, from the development of the curriculum to the proposed Student Protection Act that was just introduced last week. I want to thank the teachers for providing their input and advice on those initiatives and I look forward to continuing to receive those suggestions.

With teachers and other partners in education, we will continue together to ensure we focus our efforts on improved student learning, on improved student achievement. I would like to thank the teachers in our system for their contribution to making that happen.

I invite all members to join with me and the education community throughout Ontario to honour Ontario's teachers by helping to celebrate World Teachers' Day.

**Mr Gerard Kennedy (Parkdale-High Park):** I rise to respond to this important opportunity. I also would like to ask permission to display a button and to ask all members who—

**The Speaker:** Unanimous consent? Agreed.

**Mr Kennedy:** It is very important that Ontario recognize its teachers. It is problematic for me that it took this long. The Ontario Teachers' Federation has written to the government year after year and asked you to put aside some time for one of the largest workforces that puts us in this House.

To the member opposite, to the minister opposite, we heard from her a recitation of the government's program. We have a problem with a government that can't actually find five minutes to talk exclusively about teachers. It is the teachers of this province, and of this province perhaps more than any other, who need to be recognized, need to be thanked and need to be appreciated. There is nothing more fundamental to the success of our education system. I would say to a government that is impaired by ideology or political opportunism that you're doing us a grave disservice when you can't muster that effect in the front ranks of something as vital as education in this province.

We have to recognize the absolutely vital profession for its inherent value to our children. We entrust our children to strangers who come prepared, motivated and educated to inculcate in those children the learning, the civility, the appreciation for society that all of us expect. Yet it is this House perhaps, more than any other place in the province, that has to confer an improved level of appreciation and understanding of teachers in this province for that simple transaction to work on an ongoing basis.

It is incredibly important that we recognize this. We lost 5,000 teachers last year for reasons other than retire-

ment. They chose to leave the profession. It's a huge, almost 100%, increase from just a few years before. We have 1,300 teachers in front of kids now on letters of permission, teachers who are not qualified because there aren't enough qualified teachers who can be persuaded and convinced that Ontario is a good place to teach and for kids to learn.

In this House, I think we have to stand aside somewhat from the debates of the last number of years in which the government has wanted to focus on power and control and has missed the essence of what makes for success; that is, a classroom arrangement allowing teachers to be able to close the door and be able to teach their kids, and allow those kids to learn in a way that we have to start to understand in this House, so that we create the conditions and allow the system to prevail that will let teachers impart some improvement to those kids.

The number one thing we need in Ontario today for the success of our teachers, beyond the understanding and respect, is to appreciate what it takes for them to be successful. What it takes for them to be successful is not fiats from this room, not orders, not demands, not artificial standards, but rather the actual appreciation that it's that teacher, that motivated person in the front of the room, who needs access to those kids, who needs to be able to see and feel success, success that can be thwarted by large class sizes, by lack of textbooks, by the mismanagement of a curriculum that hasn't yet been seriously supported. Those are the things that we should, on a non-partisan basis, be able to agree need to be put in the hands of teachers.

1420

We in this House don't teach. We in this House aren't the ones who are going to make that special-needs child who has been recognized today, for example, in the Toronto board with a special award—I won't name the colleague whose name is on that award—who struggles to get on to the TTC, who takes another child with him. That success and that award have been achieved because a teacher took the time. Increasingly in Ontario we aren't allowing teachers to take the time. When I go to the classrooms and the staff rooms, for instance, as it's been my privilege for the past two and a half years, they tell us that they think they work on the moon.

I would announce here today the renewal of our MPP back-to-school program, which is to get every member of this Legislature to spend the time to understand, to walk in the shoes of the teachers of this province and ensure that we are equipped in this room to do what needs to be done. I would hope that everybody in this room is equipped to do what needs to be done on World Teachers' Day and that is to unreservedly say thank you to the teachers of this province for the personal, the financial and the family sacrifices they've made to make sure our kids do well.

**Mr Rosario Marchese (Trinity-Spadina):** I want to say, Madam Minister, that if only the kindness that you displayed today could be manifested on a regular basis through the deeds that you do they would recognize them

as good things. The problem is that everything that you have done belies this kindness that you appear to be displaying today. Teachers are dispirited, disillusioned, demoralized and they're quitting. That's the reality.

I want to read to you—because I mentioned this the other day—from two teachers who've got something to tell you and the Premier of Ontario. One teacher, William Blair from Kitchener, says, "I wish to withdraw my membership from the Ontario College of Teachers. I will not teach in Ontario to protest the government's implementation of Bill 80." William says, "As a teacher, I was expected to develop a program geared to the individual needs of my students, but apparently this does not apply to the government."

Another teacher, Kathleen Jackson from Kingston, says, "All my life all I ever wanted to be was a teacher. Now I'm not so sure." She says in a long letter—I can't read it all—"My question for you, Mr Harris, is, what exactly do you expect from teachers in Ontario? I work 10 hours every day, five days a week. I work four hours on the weekend. I can't take the day off to play golf. I can't decide not to grade my students' papers. I can't roll over in the morning and decide not to go to work. In addition, I will now be expected to complete courses, all of which will contain an assessment component.

"Where do you suggest I get the time to complete these courses? What about the travel expenses I will incur travelling to these courses? What about the cost? I'm sure that making \$1,800 a month I will have little left over to pay for courses, and working 10-hour days leaves little time for taking on additional work. Maybe next time you implement a program to 'improve education in Ontario' you'll think about teachers like me and what we do every day."

The reality is that these teachers are unhappy, and they're unhappy because of what this government is doing to them. These are our heroes, our real heroes, whom we should be praising every day and not attacking every day as this government has done for six years.

The royal commission which they quote often says the following of our teachers, similar to what I just said: "Teachers are our heroes. We believe they should be everyone's heroes. We can't repeat too many times that no serious improvement in our schools is possible without the enthusiastic co-operation of every teacher in the system." The royal commission recommended that teachers have more say in how schools are run because no one is better equipped to be in charge of schools than educators themselves.

These are the real heroes. We have to stop attacking them. We have to stop doing what this minister reveals in this document that was presented to their caucus, which reveals real concerns. It reveals that the public confidence in our system is floundering, and that's their fault and their problem. Schools are crumbling in our system, and that's the fault of the minister—no one else's. We have a shortage of teachers that is looming and serious. Teachers are quitting and we need to deal with that. In this document it reveals that the public, 85% of the peo-



ple of the people in Ontario—a poll you commissioned—say you've got to stop beating up teachers. You can't one day come in here and say, "They're really good," and the next day beat up on teachers. It's simply not good.

If they are to be the heroes that the royal commission said they should be, you can't beat them up. The report by People for Education says that we have fewer guidance teachers, that we don't have enough textbooks for your new curriculum. It reveals that the system is going down in ways that are reflected in the floundering of public confidence in the system.

Minister, we have to say to our teachers and to the public, "Teachers, you are our heroes. We praise you and we're going to work with you to make sure that the public has the confidence in you that we have and that the opposition members have and the government members have." Will you proclaim that today?

## STATEMENTS BY THE MINISTRY AND RESPONSES

### WOMEN'S HISTORY MONTH

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** This government celebrates the women of Ontario. We have committed a number of initiatives to help foster a positive environment for increased job creation, skill development and business opportunities in Ontario.

In recent years, 42% of the gains in female employment in Ontario took place in higher-paying industries such as manufacturing, educational services, finance, insurance, real estate and leasing.

We support women through a broad range of programs and policies. I would like to highlight just a few that focus on promoting women's economic independence and personal safety.

For example, we have introduced a \$2-million program to train women for jobs in the information technology sector, a field that continues to offer strong career potential, where women work together and network once they leave that program and get jobs with very high-paying potential.

We have provided funding of \$5.8 million to encourage more women to train for jobs in the skilled trades, a sector that offers high earning potential as well, and opportunity for women to network once they leave their formal education.

We also continue to support women's organizations that help women work toward economic independence and increase their safety through \$2.3 million in funding for 29 community-based agencies across this province.

This year we are spending more than \$145 million on programs and services designed to address and prevent violence against women. This is up from about \$100 million when I first became the minister in 1995.

October is Women's History Month in Ontario. For 10 years, our country has dedicated October to honouring

the vast impact women have made on our society. In business, in the community, in the arts, in politics—these are just a few examples of fields in which women have broken ground. They continue to make history.

This year, during International Year of the Volunteer, Women's History Month is saluting our women volunteers. Women truly are the foundation of Ontario's volunteer force. More than half of volunteers are women. Over four million Canadian women over the age of 15 are involved in formal volunteer work. That's 33% of the female population.

As our champion of women's rights Nellie McClung once said, "Never retreat, never explain, never apologize—get things done and let them howl!" Our women volunteers are experts at getting things done within our communities, within our province and within our country, and Ontario is a better place to live and work because of them.

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Today I want to recognize just a few women volunteers who are outstanding examples of volunteer action at work in Ontario.

Lynda Arthey of Brampton is the founder and volunteer director of a shelter that serves people coping with homelessness, addictions, mental health issues, abuse and illiteracy. Ms Arthey puts in 10 to 12 hours a day and has logged over 19,000 hours in volunteer work.

Penny Dainard of Orangeville has spent the last two decades helping many local groups to build a caring, safe and inclusive community in Dufferin county. Miss Dainard is an active volunteer with Family Transition Place, a shelter for abused women and their children.

Dr Yuqui Guo of Ottawa has worked with the Chinese Community Association for the past 10 years. Dr Guo assists immigrant families in their adjustment to Canada, and she helped establish a children's school whose multicultural language methods serve as a template for other Ottawa schools.

Helen Havlik of Petrolia has been an active member of the Lambton County Association for the Mentally Handicapped since 1992. She played an active leadership role in the founding of OASIS: Ontario Agencies Supporting Individuals with Special Needs.

All four of these women are recipients of this year's Ontario Medals for Good Citizenship, awarded last June.

The final volunteer I want to recognize is Noémi Paquette. Ms Paquette is a Sudbury high school student who won this year's Lincoln M. Alexander Award. She works with the French- and English-speaking communities around Sudbury combating racism and building cultural understanding.

Mr Speaker and all of my colleagues, please join me in applauding the commitment and dedication of these remarkable women. Ontario can be very proud of our women volunteers. This month affords us an opportunity to recognize their achievements and honour their remarkable record in just going on making history on behalf of women.

**Mrs Marie Bountrogianni (Hamilton Mountain):** I rise in the House today to recognize the 10th anniversary of Women's History Month. This year's theme is "In praise of Canadian women volunteers."

Mr Speaker, 54% of volunteers in Canada are women. Four million women in Canada aged 15 and over participate in formal volunteer activities. Canada is moving toward a better gender balance, but there's still more work to be done. Women participating in volunteer work are a deep and rich part of the history of Ontario, Canada, and indeed the history of women.

History month is in honour of the Famous Five: Emily Murphy, Louise McKinney, Irene Parlby, Henrietta Muir Edwards and Nellie McClung. It was October 18, 1929, when these women changed the future for Canadian women. On this day they won a legendary fight: the "persons" case. Women were henceforth known as persons under the law.

Adelaide Hunter Hoodless, born in 1857, passed away in 1910, was one such Canadian volunteer. She was not only a wife and mother in such an important time; she was a visionary, social reformer and philanthropist, and achieved all of this as a volunteer. She was a primary participant in the establishment of the Women's Institute, the National Council of Women in Canada, the National Council of YWCA, the Macdonald Institute in Ontario, Macdonald College in Quebec, and the Victorian Order of Nurses. Through her various charitable works, she became known as an authority and advocate of domestic science education and child welfare. From 1890 to 1902, she was the president of the Hamilton Young Women's Christian Association, what we now know as the YWCA, which was critical to public life in Hamilton. She played a major role in formulating the education policy of the day.

Mary Shadd was the first woman publisher in Canada, a proud member of the black Canadian community.

And many more.

Many issues mattered to these women, as they do today: affordable child care; the required social, economic and political support system in place to achieve many of the goals that these volunteers have fought for over the years.

We have achieved measures of political equality. However, social barriers still prevent women from achieving full participation in the formation of policy and procedures designed to give us full access to all professions.

Pay equity is still an issue in this country. After-tax income of women is still 63% that of men, regardless of age, educational attainment or labour market skill. We still need women in non-traditional professions. In skilled trades, 5% are women, 10% in fire and police, and only 21% in senior management roles. Women are over-represented, however, in the contingent workforce, part-time work, where 75% of part-time workers are women.

Although we honour women in Ontario and women in Canada in this history month, there is some very ugly

history in the making in a country called Afghanistan for our sisters, our daughters and our mothers under the Taliban regime. Women have been stripped of their freedom, their liberty and their dignity under this oppressive regime. Women cannot work outside their homes. Women who were once doctors, lawyers, university professors and teachers have been stripped of their rights to work, except in limited circumstances in the medical field.

Since 1996, women are no longer allowed to attend school, including university. Many women conduct and attend secret underground schools and can be killed, punished by death, if caught. Imagine the courage. Women cannot appear outside of the home without wearing a head-to-toe covering called a burka. They inhale their own breath, their saliva. A three-inch-square opening covered with mesh provides their vision. They're forbidden to appear in public without a male who is their relative. They are beaten openly in the streets by the Taliban regime for the slightest violation, an inch of exposed ankle or being in public for a reason not acceptable to the Taliban police.

The current situation in Afghanistan is due to ignorance and politics. It is very important to emphasize—indeed, it's imperative to emphasize—that it has nothing to do with Islamic beliefs.

Despite our efforts as parliamentarians, we still have ugly history in the making in many homes across our province. We must be vigilant in preventing the horrors of domestic violence right in our own province. If our daughters aren't safe, no daughters are safe. I ask you all to work together to address this very serious situation.

**Ms Marilyn Churley (Toronto-Danforth):** I join my colleagues on behalf of the New Democratic Party in recognizing Women's History Month today. We want to thank and congratulate the four women recognized today for their incredible contribution to our communities. I want to acknowledge that the minister was particularly focusing on women volunteers today, and we want to express our gratitude for women's generosity and hard work clear across the province.

I do want to single out a particular woman today whom we should honour and to whom we should express our gratitude. Her name is Beth Jordan and she is with the Assaulted Women's Helpline. Her organization, along with 165 other women's groups across Ontario, many of which are volunteer groups, deserves credit and our thanks today because it is through their efforts and their hard work that the government finally announced it will be expanding the Assaulted Women's Helpline across the province. This is something the New Democratic Party, through the former member for Beaches-Woodbine, Frances Lankin, and myself, have been calling for in this House for the last several years. This is a victory for these women. They should be proud and we should congratulate them.

I want to point out today in the kindest way possible that this is only one part, only one victory that came from



the emergency measures that these women called for in their declaration of commitment. I want to remind the government and the House today of some of the key points, other key points. That was one, and we do thank, and they thank, the government for finally coming through on expanding the Assaulted Women's Helpline.

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But I want to point out to you some of those other key demands that they made which we have also been calling on the government to do over the past two years. Some of the key requests are:

Stop cuts to the women's centres. The government knows that it made cuts to the women's centres clear across the province some time ago, and we want to see that funding restored and in fact enhanced.

Implement all of the emergency measures put forward last fall by this coalition of 165 women's groups across Ontario and please implement the May-fles recommendations to create a seamless system so women can flee violent situations and take their futures into their own hands.

I would also say to the government, please get back into the affordable housing business—please. When we stand here and talk about the problems with rent control and the problems with the lack of housing, we're talking of countless women who are trying to flee violent situations and they have no place to go. That is documented, that is a reality, and we have to deal with that.

These women have called for a seamless system because it all has to work together. There are countless volunteers out there, as we speak of female volunteers today, who are working in these sectors, who are working in rape crisis centres, who are working with women who are trying to flee from violence.

As well as these issues that I have just brought up, I want to point out that they call for community-based services for women and children. They want the establishment of a \$50-million fund for the provision of community-based services for women and children to be spent on some of these measures:

Emergency services: we've got crisis lines, but there's more to do there.

Shelter funding: I mentioned second-stage housing, which is key, absolutely key to getting women and children back on their feet. It's a transition period that is critical in helping women and children.

The counselling services: the services that go with second-stage housing, that transition period that helps them get back into society, helps them get jobs, helps the children cope. That is a critical issue that we've been calling for since the government cancelled it, and we urge you to bring it back.

Community and neighbourhood supports; legal reforms and services; legal aid; criminal law reforms; family law reforms; then, economic survival and workplace safety.

I urge the government to go back and take a look at these demands.

## ORAL QUESTIONS

### LONDON HEALTH SCIENCES CENTRE

#### **Mr Dalton McGuinty (Leader of the Opposition):**

To the associate Minister of Health: yesterday families in southwestern Ontario, families with very sick children, were dealt a terrible blow. Responding to orders from your ministry to cut their budgets, London Health Sciences Centre has announced the cancellation of 18 programs. Included among those programs are programs for very sick babies and children.

As a result of your cuts, specialized pediatric heart surgery will be gone. Lung, heart and bowel transplants for babies and children will be gone. Programs to treat any child with burns to more than 15% of their body will be gone.

What you are telling families in southwestern Ontario, Minister, is that they're going to have to travel to Toronto from now on. They're going to have to wait in line in Toronto. They're going to have to pay for accommodation. Not only will they have to suffer the usual pain that comes with having a very sick child in your family, but they're going to suffer the pain of extended periods of separation either from that sick child or the rest of their family.

What I want to know on behalf of the families of southwestern Ontario is, how is this development in the interests of those families?

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Let me say, since I represent one of the families from southwestern Ontario, that I have a great deal of faith in the decisions that the London Health Sciences Centre makes and that the board of the London Health Sciences Centre makes.

Back in October, there was an operating review that went forward. It was done by an independent firm that looked at the scopes of practice that the London Health Sciences Centre should be making. Together, the board and the operating review came forward and decided that there were 18 sets of services that would be better served in other areas where they could make sure that the expertise was there, where the London health sciences system decided that they could better ensure that quality services were provided for the people of Ontario.

I've been around the London Health Sciences Centre for a lot of years, and I can guarantee that the London Health Sciences Centre and its board are always there to guarantee quality services for their people.

#### **The Speaker: Supplementary?**

**Mr McGuinty:** It is nothing less than pure fiction to say that this is a health care improvement exercise. This is a cost-cutting exercise, pure and simple.

What this means, Madam Minister, and you can take a great deal of pride in this as someone from southwestern Ontario, is that families from London now can take their very sick children and babies to Toronto. Families from Bruce, Grey, Huron and Perth can do the same thing.

Families from Oxford, Middlesex and Elgin can do the same thing as well. Families from Lambton, Kent and Essex, families from Windsor, families from London can all take their very sick babies and children and go to Toronto.

You know what? Toronto has the highest occupancy rate in the province: 97% of their beds are occupied. There are no fewer beds available than there are here in the city of Toronto. So we're telling all those families from all those communities, "If you have a very sick baby or a very sick child, you will take them to Toronto, you will wait in the lengthy lineups to be found there, you will pay the inordinately high accommodation costs to be found there."

I ask you again, how is this in the interests of families from southwestern Ontario?

**Hon Mrs Johns:** I'd be happy to say how this is in their best interests. Let me tell you, Tony Dagnone, the president and CEO of the London Health Sciences Centre, said he cannot be all things to all people and sustain a centre of excellence.

Last year, at the London Health Sciences Centre, they did two bowel transplants. One of the things that they've decided it would be better to have happen would be that those two people should come to Sick Kids Hospital because there is expertise at the Hospital for Sick Children in Toronto. London Health Sciences Centre and the Hospital for Sick Children are going to work together to make sure that the people of London and the surrounding area get the best-quality services they can. I say shame on you to you people over there. Steve Peters was told this by Tony Dagnone yesterday. You should be ashamed of yourselves.

**Mr McGuinty:** Madam Minister, if you won't accept the arguments I make on behalf of families in southwestern Ontario, then maybe you'll listen to one of the arguments put forward by a constituent from southwestern Ontario, who writes to you and to Dianne Cunningham and Frank Mazzilli and Bob Wood. This constituent is Neil McKenzie. He's the head of cardiovascular and thoracic surgery at the London Health Sciences Centre. He says this to you: "Your hospital is being eviscerated and what is proposed is a prescription for mediocrity." He says, "I want you to express an opinion as to whether these changes are in the best interests of this community."

He is asking the very same question of you that I've been asking two times prior, and I'll ask it again: how are these cuts, how is driving parents and very sick babies and children outside of their community to the city of Toronto, which has the highest occupancy rate in the province, which has the highest accommodation rates in the province, how is that development in health care in southwestern Ontario, in the interests of our families?

**Hon Mrs Johns:** I don't know about the people opposite, Mr Speaker, but let me tell you, on this side we're concerned about receiving the best quality of care—

*Interjection.*

**The Speaker:** Order. The member come to order. Your leader has asked a very, very pertinent question. He doesn't need your help.

**Interjection:** Put a sock in it.

**Mr Steve Peters (Elgin-Middlesex-London):** Put a sock in your own thing. I'm speaking up for the kids—

**The Speaker:** Now that's going to be your last warning. Order. That is now your last warning. You won't be here to see any of the answers or any of the questions. If that's what your constituents want, that's fine by me. This is your last warning.

**Hon Mrs Johns:** Let me say that we're concerned about the quality of care in every place. We believe in some cases decisions have to be made to make sure that we have the health professionals, the people—

**Mr Peters:** Rationalization of services? What are you doing to southwestern Ontario?

**The Speaker:** Order. Stop the clock. That is it. I name the member and ask Mr Peters to please leave the chamber.

*Mr Peters was escorted from the chamber.*

*Interjections.*

**The Speaker:** the minister come to order or I will throw her out as well.

*Interjections.*

**The Speaker:** Order. It's not helpful when somebody leaves if you shout at them, including the minister. I'll throw her out as well. When somebody is leaving the chamber, I would appreciate some co-operation. He's been thrown out and I don't need you folks yelling at him, as he goes out, to exasperate the situation. Now you have the chance to answer, associate Minister of Health.

1450

**Hon Mrs Johns:** Let me say that David MacKinnon spoke to the Ontario Hospital Association at the Empire Club today, and he said that we had to make some bold moves with respect to health care. He said, "We should move toward more differentiation in the types of hospital facilities we build. Every community needs access to emergency services that can treat heart attacks and serious injuries. But hospitals don't need to be scaled-up or scaled-down versions of the same model in every community. Perhaps, for example, we need hospitals that focus on particular illnesses and by doing so produce better outcomes" for the patient.

That's exactly what the London Health Sciences Centre has done. They've made better quality outcomes for the patients and for the kids of southwestern Ontario. Today I have to say that I'm proud of London Health Sciences Centre.

#### IPPERWASH PROVINCIAL PARK

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is for the Deputy Premier and it has to do with Ipperwash. As you know, for nine months now we have been trying to get information on a key September 6 meeting. Today we received from the assistant Information and Privacy Commissioner, Mr Mitchinson, an order



to the government regarding this affair. In my opinion it's the most significant development yet on Ipperwash. It has the potential to be a dramatic breakthrough. The Premier, three Cabinet ministers, four deputy ministers, five OPP officers, one MPP, and roughly another 30 people, have been ordered to provide a sworn affidavit about this critical September 6 meeting by two weeks Monday. Can you assure the people of Ontario that the government will comply with this order?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** The Attorney General.

**Hon David Young (Attorney General, minister responsible for native affairs):** The interim order the member spoke of was provided to us over the last 24 hours. We are currently reviewing it. It is a document that we will pay serious attention to. I have, though, had an opportunity to have a quick review of the document. I will read, if I may, one quote from the commissioner, and that is as follows: he describes the activities undertaken by the four institutions by the government as being unquestionably extensive. With that in mind, we will consider the contents of the remainder of the order and we will reply to the commission within the period of time prescribed.

**Mr Phillips:** Deputy Premier, the commissioner also ordered the Premier that in his signed affidavit he answer the following question: "What meetings did you attend on September 6, 1995, involving other Cabinet Ministers and/or senior government/OPP officials, and who was in attendance at such meetings?" Again he wants that answer by two weeks Monday. Will you assure the people of Ontario that the government will answer this question and comply with the order?

**Hon Mr Young:** Perhaps the member didn't have an opportunity to hear the first answer I provided, but I'd be pleased to repeat it. The order was received by the government within the last 24 hours. It is an order that speaks very clearly about the extensive co-operation—the commissioner's words—provided by the government. It has asked for certain additional documents. We are reviewing the order, and where we can, we will provide the same level of co-operation. We will reply to the commission, not to the member opposite, within the time period prescribed.

**Mr Phillips:** The public will have an opportunity to read much of what the commission said about the government's response. He says, "My questions were not answered, not because the answers were not known by the government. The institutions' position is simply not acceptable." He goes on to say that all four institutions provided insufficient—they were nonetheless insufficient, their efforts, "to establish that reasonable efforts were made to identify and locate all records relative to the appellant's request. In other words, the institutions took what I would describe as a broad and often shallow approach to search activities. As a consequence, I have concluded that significant answers remain unanswered, that all reasonable search activities have not been undertaken."

My question is this: was the response by the government, in what I personally regard as a deliberate attempt to deny me information, coordinated by the government?

**Hon Mr Young:** Day after day, week after week, in this Assembly, the member opposite comes in and makes wild, unfounded allegations. Today is no exception. The member opposite, time and time again, has come forward and read six or seven words, one of 10 sentences, acts as judge and jury and in this instance wants to be, I guess, the Information and Privacy Commissioner.

What I have said, and what I am pleased to say again, is that the government will continue to co-operate; we will continue to do our utmost to ensure that all documents are produced; we will continue to provide the level of co-operation that is described as "unquestionably extensive" in the order that was issued within the last 24 hours; and we will do so within the period prescribed. We will do so to the commissioner, not to the member opposite who believes he is a judge.

#### RETAIL SALES TAX

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Acting Premier. New Democrats have three words for you today: reduce sales taxes. You know what the problem is. You know that in troubled economic times when people feel that they are in danger of losing their jobs, they stop purchasing, and when they stop purchasing and you see a decline in retail sales, it leads to more layoffs.

You know what the problem is. You've got to rekindle consumer confidence and restart the economy of Ontario. You need to get people back into the retail stores and you need to get them making purchases now. You can do that. Acting Premier, will you reduce sales taxes across the board to 5% and eliminate them altogether on winter clothing and school supplies and watch consumers get back into the stores this weekend?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** All options, of course, are considered when it comes time to deal with taxation issues. It has been the Ontario experience since 1995 that the reductions in the personal income tax have been most effective in stimulating the economy and creating jobs. They boost productivity growth the most directly of the various tax tools available to government. Lower personal income tax rates encourage entrepreneurs; they give employees the incentive to try harder and achieve success. Those are some of the reasons why the Premier made the announcement the other day with respect to accelerating the reductions, not only in personal income tax but also in corporate tax.

**Mr Hampton:** To the average person in Ontario, your accelerated personal income tax reduction won't even buy them a CD, not even a compact disc, before Christmas.

The mayor of our largest city is asking you to reduce sales taxes. The government of Saskatchewan has reduced sales taxes. In Texas they reduced sales taxes. And

this is what they say: "It really does create sales." In Florida they've done it. This is what they say: they found that the sales tax holiday generates real interest among Florida consumers.

The next three months will be critical in terms of consumer confidence and in terms of restarting the economy. Will you do something for the average person out there? We know what you want to do for your corporate friends. Will you do something for the average person so they can go out and start making some of those purchases?

**Hon Mr Flaherty:** It has been a great week in Ontario. I appreciate the conversion of the leader of the third party into Howie Hampton, the Taxfighter. I appreciate his recognition, finally, 11 years or so late, that tax reductions create jobs and investment and stimulate the economy in Ontario.

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**Mr Hampton:** If you want consumers to get back into our retail stores and start purchasing again, the way to do it is not to give a \$2.5-billion tax reduction to banks that already have bulging profit lines. The way to do it is not to give more money to corporations. The way to do it is to say to those consumers, as they've said in Washington, DC, as they've said in Texas, as they've said in Florida, as they've said in Saskatchewan—as the mayor of Toronto is saying to you—that you'll reduce sales taxes.

Minister, the proposition is this: you cut the PST and then go to Ottawa and ask them to similarly cut the GST. That will get people back into the retail stores. Will you do it?

**Hon Mr Flaherty:** To the member opposite: the best way to stimulate the economy is to put the money directly into taxpayers' pockets, which we're doing to the accelerated tune of \$60 million through the reduction in personal income taxes. But I appreciate the conversion of the member opposite to the conviction that tax reductions are appropriate to stimulate the economy in Ontario.

Indeed, when his government was in power, when Floyd Laughren was the Treasurer and he brought in his budget in 1994, he didn't reduce the sales tax. What he did is, he said, "The economy has been growing, but employment has been lagging. Small and medium-sized businesses, which are the biggest generators of jobs in the economy, have told us that payroll taxes can stand in the way of new hiring."

"To address this concern, this budget cuts payroll taxes to provide a permanent incentive to companies to take on new workers."

That's Floyd Laughren, May 1994; your party on tax cuts.

## CHILD CARE

**Ms Shelley Martel (Nickel Belt):** I have a question for the Minister of Community and Social Services. Today we have another example of a mother who's been forced to leave her job because your government refuses to do anything about the need for more subsidized child care. Today's example is exactly the same as one we've

raised before: the case of Marney MacLean of Welland, who had to leave her job because she couldn't find subsidized child care for her two sons before and after school.

Minister, there are now 16,000 children in Toronto on a waiting list for subsidized child care. For the last two years, the city of Toronto has allocated \$3 million to fund new spaces, but your government has refused to provide your share to create these badly needed spaces.

Mothers cannot go to work or stay at work if they don't have access to safe, affordable, regulated child care. When are you going to fund new subsidized child care spaces in Ontario?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** We do recognize that for Ontario families, child care is an important resource to help them move from welfare to work, and that's why we're spending more than \$700 million to support parents and to support choice in meeting their child care needs.

I don't understand what I'm hearing from the NDP. One minute they're up arguing for tax cuts; the next minute they're up arguing for hundreds of millions of dollars, and more, in social spending. You can't have it both ways. You can't constantly be expecting us to spend more and more money on social programs, and now you're up asking for money for tax cuts. You cannot do it all.

I now understand why they had an \$11.3-billion deficit, while we were almost facing the reality of a \$17-billion deficit. We can't simply fund all the programs that the NDP would like us to fund and cut taxes the way the NDP would like us to.

**Ms Martel:** Minister, I know you don't care about the concerns of families, that they have access to safe, affordable child care. I know you don't care about that; that's not a big concern of yours. But for moms like Cheri Sponagle and Marney MacLean, they do want, and they need, access to safe, affordable, regulated child care so they can go to work.

Your government has cut regulated child care by 15%. Your government has downloaded responsibility for child care on to municipalities. Your government has cancelled all of the capital programs for new child care centres and for renovations. Your government did not allocate one single cent of the \$114 million you got from the federal government this year for kids on regulated child care.

Minister, when are you going to start providing a choice to parents like Marney MacLean and Cheri Sponagle and give them access to decent, safe, affordable, regulated child care in Ontario?

**Hon Mr Baird:** I'm proud of the \$114-million investment we're spending to help support young children with autism, to help expand services for infant development and to help expand early literacy programs. If the member opposite wants to look at any of the proposals we've outlined in that \$114 million and where she'd like



us to cut it to increase regulated, institution-based child care, I'd welcome hearing that. This government will never be able to spend as much money as the NDP government spent. The member opposite is promoting choice, her choice, and not the choice that 90% of parents in Ontario make.

I did look with great interest to the NDP's election document, where they didn't promise to spend a single extra dollar on child care, so they must have thought we had it about right.

#### EDUCATION ON INTOLERANCE

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Education. You'll recall that last week I put to you a specific proposal to help Ontario students better understand and celebrate diversity in Ontario, and I asked you to ask teachers in every classroom in every school right across the province to raise the issue of intolerance and to contrast that with some of our Canadian ideals like generosity of spirit, understanding and acceptance. You dismissed my idea out of hand. You said this government would never dare to tell our teachers and boards what to do, which of course was laughable.

Directing that our schools participate in a diversity day is not interference. I would call it leadership on your part. Will you take the lead and proclaim a diversity day for Ontario schools?

**Hon Janet Ecker (Minister of Education, Government House Leader):** First of all, I'm quite concerned that the honourable member obviously wasn't listening to what I was saying last week. Teachers in this province did not need direction from the Leader of the Opposition about what to do when the children in their classrooms needed help. There are school boards across this province and schools across this province and staff across this province who went to great lengths to help their students through this.

I have material here from the Thames Valley board, the Halton board, the Toronto board, the Peel board, materials they put together, materials their teachers used, materials from our curriculum, which teachers helped develop, that has an incredible amount of very good, useful material for teachers about diversity and tolerance and respect in our classrooms.

If I was a teacher, I would be offended that the honourable member thinks they need some order from government to do something compassionate for kids.

**Mr McGuinty:** Madam Minister, I've been speaking to teachers and now have obtained some letters of support from the federations and a public school board. If you wish, I can gladly obtain more letters of support for this idea, but I'll just read some passages to you.

The Elementary Teachers' Federation of Ontario has one letter of support. The OSSTF says they "want to convey the support of OSSTF for your request to Minister Ecker to initiate a common day where teachers can discuss with students the broader implications of

these events.... OSSTF is prepared to work with the government to ensure that the project you proposed to the minister will be successful."

The Ontario Public School Boards' Association writes that it would be "pleased to support and participate in a day devoted to the celebration of diversity. A celebration of diversity will allow our students to share and to understand and respect their fellow citizens."

Madam Minister, there is a parade lining up outside the door. I'm asking you to step up to the front of the parade. The only thing we need to make this happen is your leadership. It's a good idea. You in your heart of hearts must recognize that. You can do the right thing for our children and our province. Will you work with our teachers and school boards to declare a diversity day in Ontario?

**Hon Mrs Ecker:** Mr Speaker, I told the honourable member very clearly last week that I was quite prepared to talk to school boards to see if we could share best practices, if there was more material they needed that they could have from other teachers or other school boards. We certainly have done that. As I said, I have here a stack of wonderful things that schools and school boards and teachers did to help our children.

Mr Speaker, I've got to tell you, every day is diversity day in our diverse, multicultural Ontario, every day when those teachers are doing the job they know they need to do for our kids with the curriculum, teaching them respect, teaching them responsibility. I am appalled that the honourable member across the way would doubt their ability to pass these values on to the children of Ontario.

1510

#### HOME CARE

**Mr Frank Klees (Oak Ridges):** My question is to the associate minister of health. This morning we debated a resolution proposed by the member from Windsor West relating to CCACs. I voted against that resolution, not because I believe that all is well with CCACs in this province, but because I believe the solution proposed by the member from Windsor West was a simplistic Liberal solution of throwing more money at the problem.

I can tell you that I do not believe all is well with CCACs in this province. In fact, York region is one of those areas. Although the CCAC has grown to have more than three physical offices—a great deal of overhead—I can tell you that I'm hearing from my constituents that they are not being well looked after in the area of home care.

Minister, what will you do to ensure that my constituents and the Ontario taxpayers can be assured that this organization gets back on track, focuses on the services that are to be provided on the front lines and gets with the program of delivering home care in this province?

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I'd like to thank the member for the question, and I'd also like to thank the

members of the House for considering this issue carefully.

We all believe home care is an issue we need to move forward with, because we need to have an integrated health care system where people can go from the hospital to home to long-term care facilities. It's very important for this government to ensure that the system works well. We've heard lots of information about the system, and of course everyone in the House knows that funding for home care has increased by some 70% since 1995 and some 440% since the Liberals were in power in the 1980s.

Let me say that substantial dollars, some \$1.7 billion, are put into home services in the province right now. Like the member from Oak Ridges, we're concerned that we need to have a look at how the system is working. We need to review what is going on the CCACs. We need to ensure that the groups that have been working to make a difference in home care are doing—

**The Speaker (Hon Gary Carr):** The minister's time is up.

**Mr Klees:** I'm not arguing that a great deal more money is being spent on home care. The question that I think we all have, everyone in this House, is: are we spending enough, and is the structure such that we are spending it efficiently? When my CCAC was able to establish, over a period of three years, three buildings, three separate offices from which to deliver these services, and yet we have people saying they're not getting health care, something is wrong with this picture.

The District Health Council of York-Simcoe recently released a report making some recommendations specifically relating to CCACs, some structural changes that should be taking place. Can the minister tell me if she has read that report, and what will she do to ensure that some of these changes are implemented?

**Hon Mrs Johns:** I want to tell the member for Oak Ridges that I have read the report he speaks of, and I welcome recommendations on how we can improve services within areas, on how we can improve accountability and transparency, and efficiencies in how we provide home care. I am also looking at other people who may be able to give us information about that, like the Price-waterhouseCoopers study. We also have a ministry representative in Hamilton, and we're looking at the recommendations that are coming from that report. I'm going to take all those together and try to make some concrete recommendations to ensure that home care works in the future.

Let me say, though, that when we're getting funding questions like from the Kingston CCAC, where they have numbers like 34% higher funding than anywhere else in the province and are still running a deficit, we have to ask some really tough questions over the next little while.

#### HOSPITAL FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the associate minister of health. I want

to return to the desperate struggles of the Ottawa Hospital, troubles created when you proceeded with a poorly planned amalgamation and compounded that with chronic underfunding.

Three months ago the minister fired the 28 community volunteers who sat on the board of the Ottawa Hospital. You then put in place long-time Conservative Dennis Timbrell as your supervisor. Yesterday he let go the CEO of the hospital. We are reading media reports that the cost of the severance is in the neighbourhood of \$700,000.

Ottawa families are desperate for more nurses, more hospital beds, more operating room time. The question I have on their behalf is, how is wasting \$700,000 on severance for a hospital executive in the interests of Ottawa families?

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Let me say that I think this government has demonstrated its commitment to providing quality care. That's why we appointed the former health minister and former president of the OHA, Dennis Timbrell, to this job. We asked him to put this hospital back on a sound footing, because we all know it wasn't on a sound footing. We asked him to oversee the development of a recovery plan. When we asked for that recovery plan, we asked him to stabilize the hospital's operation so that we would be able to improve and ensure that quality of care for the people of Ottawa.

He is working on that plan. I am sure he is coming forward with a recovery plan as quickly as possible. We're waiting to hear the results, because we believe that when you appoint someone to a task as important as this, you should hear the results.

**Mr McGuinty:** I can tell you, Madam Minister, that the only person here who has been put on a sound financial footing is the outgoing CEO, who just received \$700,000.

But it gets worse. Here's the headline in today's Ottawa Sun: "Timbrell Hungry for Job: Eyes on Ottawa Hospital Supervisor to Replace CEO He Just Canned...."

"Sources say the former Tory health minister wants the job and has the support of Health Minister Tony Clement."

Madam Minister, to spend \$700,000 on a severance package at a time when Ottawa families are in desperate need of quality hospital-based care is offensive, but for Mr Timbrell to replace the CEO is nothing less than obscene. Can you assure us here and now that there is no way that Mr Timbrell will become the holder of any position at the Ottawa Hospital?

**Hon Mrs Johns:** Let me say very clearly that the Ottawa Hospital was in trouble and needed a lot of work, and we're very lucky to have Mr Timbrell there to ensure that we get a recovery plan set forward and that we're able to put this hospital on a sound footing. It's very important to the people of Ottawa that this happens.

The member opposite, the Leader of the Opposition, should know—I'm sure he does know—that the OIC does not allow that to happen.

Let me say that Mr Timbrell will proceed and continue to ensure that we have a strong footing for the Ottawa



Hospital and that we have the best management staff running this hospital.

*Interjections.*

### AGRICULTURAL ISSUES

**Mr Bert Johnson (Perth-Middlesex):** My question, as soon as I can hear in here, is for the Minister of Agriculture, Food and Rural Affairs. Minister, over the course of this week I've met with many agriculture and commodity groups during agriculture week celebrations, and I know you have as well. What policies and legislation can these groups expect to see coming from your ministry in the coming months?

**Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs):** I thank the member for Perth-Middlesex. Before the summer break, I introduced two pieces of legislation. One, the proposed Nutrient Management Act, 2001, was sent to the standing committee on justice and social policy. They have gone through their consultation and have just completed that. This piece of legislation would set and enforce clear and concise standards for the management of nutrients across the province, and I look forward to the results of the committee's consultation.

The second bill I introduced was the proposed Food Safety and Quality Act, Bill 87. Even though we produce safe food in Ontario, in order to stay on the leading edge in taking advantage of new technologies and new food products and to see that they are produced in a safe manner, this bill would ensure the food safety system is effective and one of the most efficient in a changing world. This also would ensure high-quality, safe food that would assist farmers and agribusinesses to maintain their markets in—

**The Speaker (Hon Gary Carr):** The minister's time is up. Supplementary.

**Mr Johnson:** My supplementary is for the Minister of Agriculture, Food and Rural Affairs too. In addition to the nutrient management and food safety legislation you mentioned, many of my constituents have asked me about the rural economic development program. Minister, could you please tell us how ridings like mine will benefit from this program?

1520

**Hon Mr Coburn:** As a result of many very extensive consultations, the rural economic development program is no less the same. We've had extensive consultation with municipal officials, leaders of rural organizations, business people and rural residents. In partnership with the comments we had from these folks and other levels of government, we've identified many barriers to the economic growth of communities in rural and small-town Ontario.

As a result of that, I made the announcement for the rural economic development program, which is a \$200-million, five-year program that will promote a diversified business climate here in Ontario by developing information tools and resources necessary for economic growth

and to address those barriers so that we promote long-term jobs and investments in our small-town and rural communities.

We also recognize that needs and opportunities differ from one community to the other, and we recognize that flexibility in this particular program.

### ETHNIC PROFILING

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the acting Premier. I understand he is on his way here.

**The Speaker (Hon Gary Carr):** Stop the clock. Maybe you can give us some indication whether he's just stepped out.

**Hon Elizabeth Witmer (Minister of the Environment):** I'm here.

**Mr Hampton:** Oh, you're the new acting Premier. Many in our province fear that you are conducting a campaign against immigrants. Yesterday, your Premier refused to distance himself from General Lewis MacKenzie's promotion of ethnic profiling. I don't think I need to remind you that the last time this happened in Canada was during World War II when ethnic profiling was conducted against Japanese Canadians, an unforgivable injustice, as history has taught us.

Minister, when the Premier's security adviser promotes ethnic profiling based upon people's colour and their place of birth, what are you going to do to ensure that not one Ontarian will be unfairly treated because of their colour, because of their name, their accent or the place of birth?

**Hon Mrs Witmer:** I will refer that question to the Solicitor General.

**Hon David Turnbull (Solicitor General):** I will say to the honourable member that the Premier was quite unequivocal yesterday in answering the question. There will be no ethnic profiling, period.

**Mr Hampton:** Let me say to the acting Premier that the so-called war against terrorism cannot be a war against certain ethnic or religious groups. People are afraid that they will be stopped by police, have their homes searched or they will be strip-searched because they are the wrong colour or were born in the wrong place.

Yesterday, the Premier's remarks clearly linked immigrants with terrorism, and his security adviser promotes ethnic profiling of people by colour or place of birth. That is clear. I want to know, in view of what the Premier has said and in view of what his security adviser has said, what are you going to do to ensure that visible minority communities in this province are not stopped because of the colour of their skin, are not subjected to search because of their accent, are not otherwise singled out because of their colour, their accent or their place of birth? You owe it to those people to state clearly what you're going to do to ensure that doesn't happen.

**Hon Mr Turnbull:** Perhaps the honourable member is having difficulty understanding what was said by both

the Premier and now myself. There will be no ethnic profiling. Let's be very clear about this. We will take every measure that is required to protect our citizens.

If that means that somebody who is suspected of having some connection with some terrorist organization will be subjected to some more rigorous checks, that is what the people of Ontario would expect. But it will not be targeted against somebody because of the colour of their skin or their religion. Let's be very clear about this. I don't want to hear you making these slurs any more, because we've answered very clearly.

#### ANTI-CRIME LEGISLATION

**Mr Michael Bryant (St Paul's):** My question is for the Attorney General. Will you confirm that amendments, changes, are not going to made to Bill 30, contrary—I repeat, contrary—to what the Premier committed to on September 24 in this Legislature?

**Hon David Young (Attorney General, minister responsible for native affairs):** First of all, to be accurate, what the Premier said was that we would be reviewing the legislation to see if any amendment would be appropriate.

What I've said in the Legislature on two occasions now over the past week is that we think there may be some applicability in certain circumstances. That is still the case. I anticipate this bill will spend some time at committee, as has been negotiated between the parties. If you have some suggestions as to how to improve this legislation in relation to organized crime or in relation to some other unlawful activity, we're prepared to consider it.

**Mr Bryant:** Here's the problem. Your counterparts south of the border have already tabled draft legislation, in Washington, Nebraska, Indiana, Colorado, California, Washington and Oklahoma, to name only a few, to change their laws to crack down on terrorism. Your federal counterpart has announced when the laws of Canada will be changed and the six specific areas, including the Criminal Code amendments, that will be changed.

What has Ontario's justice minister committed to, outlined, explained to the public, that is going to change in our laws? Answer: nothing, nada, squat. Not what, not when and not how our laws are going to be changed to join the fight against terrorism. Now I hear that not only have you not drafted the legislation, not only are you not telling the people of Ontario what the government's going to do, but you've in fact reversed the commitment from the Premier to change Bill 30. Why is Ontario falling behind in the fight against terrorism?

**Hon Mr Young:** When we are dealing with an issue as serious as this, when we are dealing with a matter that has the amount of human tragedy this one does arising out of September 11, when you talk about a problem of this enormity, I would encourage the member opposite, with the greatest respect, not to try to gain political points in some football game.

If our colleagues in Ottawa are taking measures, as they should, as only they can do because criminal law is their responsibility, if they are taking some measures in that regard, I am prepared to look at them and I'm prepared to compliment them as I have done in the past on occasion when they do the right thing.

In terms of what this government is doing, sir, there can be absolutely no doubt that we have provided a level of leadership that is unprecedented across this province. You know that this Premier, Mike Harris, has come forward and taken steps that no other leader in this country has done. Why? Because there has been a void.

We have appointed two individuals with great expertise, sir, to report back to us.

#### CORRECTIONAL TECHNOLOGY

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I have a question for the Minister of Correctional Services. Today the Ontario Crime Control Commission is hosting a technology exhibition at the Metro Toronto Convention Centre. This exhibition will showcase the latest in community correctional technology. One example is electronic monitoring, which is a tracking device used to track the movements of offenders who have been sentenced to serve his or her time in the community. Exhibitors are from as far away as California, Florida and the United Kingdom. They are taking part to showcase the type of equipment we can use to enhance public safety. I believe it's time we start to use these tools to help keep our communities safe.

There is an article in the Hamilton Spectator about the repeat-offender parole enforcement unit looking for two dangerous federal parolees who have been on the run since June after breaking their parole conditions in Hamilton. My question to the minister is whether he can tell us, as part of this government's ongoing commitment to protect public safety, what type of technology can be used to monitor offenders such as these.

**Hon Rob Sampson (Minister of Correctional Services):** He's quite correct. This government has made a very concerted effort to represent the interests of the victims of crime and the members of society who are expecting safe communities.

1530

I want to congratulate the member also as a member of the Crime Control Commission and the whole Crime Control Commission for taking the initiative to sponsor this very important trade program here in the city of Toronto that's happening today where technology from around the world is being displayed so Ontarians can get a chance to see what other jurisdictions are using to help protect communities from people who do not want to obey the laws of this province or the laws of this country. There are a number of different technologies there.

I know the member has a follow-up question and I'll let him present that to me, but I would say to the member, thank you for your effort.



**Mr Tilson:** The follow-up question has to do with another article in the *Hamilton Spectator* this past Monday about a disturbance at the Hamilton-Wentworth Detention Centre after inmates were trying to smuggle drugs into the institution. We all know how important safe and secure institutions are for both the staff that work in them and the communities that host them. My question to the minister is as to what he is doing to ensure that incidents like the one in Hamilton do not happen. Finally, how are you going to tackle substance abuse among inmates?

**Hon Mr Sampson:** The member for Dufferin-Peel-Wellington-Grey has spoken about two particular and very serious issues that are before this ministry, and that is around some parolees from a federal institution who are on the lam and, of course, the incidence of drugs in our correctional facilities. To the latter point, we do have a problem in our correctional facilities. About 80% of those who are in our institutions have a dependency on drugs or alcohol. Unfortunately, that means that there's an incidence of drug and alcohol abuse within the walls of our jails. It's hard for people to understand, but it does happen.

**Mr Dominic Agostino (Hamilton East):** How did they get the drugs in there?

**Hon Mr Sampson:** I say to the member opposite, we need to find out indeed how extensive that is by having a testing program that you and your party have objected to.

*Interjection.*

**Hon Mr Sampson:** I say to the member opposite, we need to find out what the extent of the problem is and deal with the problem as it relates to drug and alcohol abuse. I've been standing in my place a number of times in this House asking for your party's support for a random drug test program in institutions and you've refused.

I say to the member for Dufferin-Peel-Wellington-Grey, that's why we have the Crime Control Commission. That's why they very openly agreed to establish this program and we will in fact have drug—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

## ONTARIO ECONOMY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Economic Development and Trade. Earlier this morning the Premier made reference to the fact that Ontario finds itself in an economic recession. Just a few moments ago the Minister of Finance outside, when being questioned by the media, declared that Ontario did not find itself in a recession.

We've been asking your government for some time now to give us an updated fiscal statement and economic outlook so that we might better understand the state of the economy and the state of Ontario's finances.

Do you not believe, given the discrepancy between the opinions held by the Premier and the Minister of Finance,

that the appropriate thing to do, surely sooner rather than later, is to provide Ontarians with an updated fiscal statement and economic outlook?

**Hon Robert W. Runciman (Minister of Economic Development and Trade):** I think that's been indicated to the Leader of the Opposition on a number of occasions by both the Premier and the Minister of Finance. That is clearly the intent of the government, that as soon as the second quarter numbers are finalized the Minister of Finance will be bringing to this House and the people of Ontario an update on the finances of the province.

**Mr McGuinty:** I think Ontarians are entitled to know something. They're entitled to know whether technically and in actual fact we find ourselves in a recession. The Premier on radio this morning said that we were in a recession. The Minister of Finance maintains that we do not find ourselves in a recession. We need to know what the state of our finances are and what the state of our economy is and what the prospects might be. So perhaps you could tell us, are we in a recession or are we not in a recession?

**Hon Mr Runciman:** I'm not aware of what the Premier might have said or might not have said with respect to this morning and I'm not going to get into that debate. I know that our government has acted very quickly, very promptly in response to a slowdown in the economy and the fact that we have seen an even deeper slowdown as a result of the terrorist attacks on September 11.

We have moved to accelerate tax cuts. We have moved in a number of areas to make sure that Ontario is one of the most attractive business climates throughout the world in which to invest and grow and create jobs, and we're going to continue to do that.

## FORESTRY AND FISHERIES

**Mr Bob Wood (London West):** My question is for the Minister of Natural Resources. Last month the minister hosted a federal-provincial meeting of natural resource and fisheries ministers in Toronto.

*Interjections.*

**Mr Wood:** The first day of the meeting was spent discussing forestry and such topics as forest fire management, forest certification and sustainable forest management. In many of these areas Ontario is the leader for the rest of Canada. However, as many members of this House know, in the area of forest fire prevention some provinces have fallen behind in upgrading their fire suppression equipment, and Ontario and the other provinces have asked the federal government to be a partner in a program to assist those provinces in upgrading their equipment. Can you tell us what progress is being made in this regard?

**Hon John Snobelen (Minister of Natural Resources):** I thank the member from London West for an excellent question, and obviously for this somewhat rare opportunity to address an important issue of the day. I know there are members opposite who were doing a little heck-

ling while the member asked the question who still believe that the Ministry of Natural Resources, MNR, is a railroad but in fact we are responsible for a great deal of activity in Ontario.

The member is quite right. There was in fact a meeting of the ministers from across the country in Toronto last week. I know that these sorts of meetings are often characterized as a championship of form over substance, and while there was plenty of form, there was also some substance.

Part of that substance was the strategic plan for the renewal of the national forest fire program. I know it's a name you'll remember for a long time. This indeed is an important program that all provinces will benefit from, including Ontario, and I'll be pleased to fill in more details at a later time.

**Mr Wood:** I also understand that the minister met with his fishery counterparts from across the country. Ontario's commercial fishery is small relative to the Maritimes and British Columbia, but Ontario is a leader in the area of recreational fishing. What progress does the minister expect for recreational fishing in Ontario?

*Interjection.*

**Hon Mr Snobelen:** The member from Nepean just mentioned that he was pleased that there wasn't any test to get a fishing licence or he might not be able to get one, and I concur with that.

I thank the member for this question. While we make some levity about the situation, it's important to note that in Ontario we have over two million resident anglers, and over 600,000 non-resident anglers visit the province every year. What does that mean? It means a \$3.4-billion industry in Ontario, the largest in Canada, by far, and it supports 55,000 jobs. That's why Ontario is a leader in the national recreational fishing task group, which I am proud to say is hoping to enhance the social, cultural and economic benefits of recreational fishing right across the country, including a fishing Web site and National Fishing Week. Mr Speaker, I know you visit our site from time to time and check up on fishing. This whole program is delivered across the country for only \$400,000—what a bargain.

## PROBATIONARY WORKERS

**Mr Rosario Marchese (Trinity-Spadina):** This is to the Minister of Labour. I want to ask you about a matter that raises serious questions about the way probationary workers are treated in Ontario.

As you know, Cesare Pella is currently on a hunger strike to protest his dismissal without notice from Sifto Canada. Mr Pella was under a 60-day probationary with verbal agreement that reviews would take place at 20 and 40 days. He was terminated after 19 days, before the promised 20-day review. Prior to the dismissal he had received nothing but positive appraisal of his performance.

I would like to ask you whether or not you and/or your staff could meet with him and learn from him about the difficulties faced by probationary workers in Ontario.

**Hon Chris Stockwell (Minister of Labour):** Sure. I'm sure I can get my staff to meet with him at the earliest convenient time.

**Mr Marchese:** It was intended as a friendly question, because I know it has nothing to do with you and it's not your fault. That's why I raised the question in the way that I did. I suspect there are thousands of Cesare Pellas out there who are suffering similar problems, and that's why we raise it, because we know in talking to him and from other experiences of our members, other people have talked about not having any recourse to deal with difficulties they face as probationary workers.

I want to ask you whether you might want to ask your senior staff to review the Employment Standards Act with an eye to bringing protection and fairness for probationary workers; might you want to do that?

1540

**Hon Mr Stockwell:** We've just recently—I don't know if you remember or not—gone through a rewrite of the Employment Standards Act. It would be difficult to try to go through another full rewrite, because it takes up so much legislative time etc. Even with absolute co-operation from the opposition members, it still would be a time-consuming process to do it immediately.

I guess the dilemma is that it's a private sector place of employment, and anybody who works in the private sector and is dismissed inappropriately—in their mind—can move toward the courts to remedy the situation.

A little while ago I had a plan about agency reform. I think you remember that. You guys didn't like it; neither did the Liberals. Part of that plan was that the new Ontario Labour Relations Board would be able to deal with wrongful dismissal, thereby not costing people—like your friend—money to go to the courts. I thought that was a good idea, and it would have helped him very directly in this situation, but sadly, neither you nor your close cousins, the Liberals, were in favour of doing that. It's profoundly disappointing, and I'll express that concern—

**The Speaker (Hon Gary Carr):** The Minister of Labour's time is up.

## AUTOMOTIVE INDUSTRY

**Mr Monte Kwinter (York Centre):** I have a question for the Minister of Economic Development and Trade. The automotive sector is the biggest contributor to manufacturing gross domestic product and Ontario's largest manufacturing employer, with one out of every six Ontarians directly or indirectly employed by the auto sector. Some 90% of Ontario's automobile production is exported to the United States.

The industry is under severe pressure due to global overcapacity and the impact of the loss of consumer confidence due to the terrorist attacks on September 11, 2001. It has already been reported that the General Motors assembly plant in Sainte-Thérèse, Quebec, is to be permanently closed as far as assembly goes. Some



auto plants in Ontario are on temporary one- or two-week furloughs.

Minister, as the auto industry attempts to rationalize their production overcapacity, all operations will come under close scrutiny. What guarantees do you have that the Ontario automotive plants are not going to be disadvantaged by any lack of infrastructure support?

**Hon Robert W. Runciman (Minister of Economic Development and Trade):** I had the opportunity to join a number of my legislative colleagues at a lunch with representatives from the Big Three auto manufacturers, and we did discuss the challenges they're facing. There's no question there are very serious challenges, not just with respect to infrastructure, although that was clearly raised, and we will be addressing those issues. But the Mexican challenge, the international border crossing challenges, on all of those, we are sitting down with them, listening to their input and addressing them as best we can. We know this is a very challenging time for the industry throughout North America.

**Mr Kwinter:** We know that delays at the Detroit-Windsor border have severely impacted on just-in-time delivery schedules of both the auto assemblers and the parts suppliers.

The province has a role to play in improving access to the border and in facilitating the access and free flow of goods and services to our largest market. One example is the long-needed improvements to the Huron Church Road in Windsor.

Isn't it about time that you take steps to address this issue so that there is no risk of diminishing this important contributor to our economic well-being?

**Hon Mr Runciman:** I did meet with officials—bridge officials—with respect to their concerns about infrastructure in that area. We are looking at those in terms of prioritization. I think when you take a look at the border crossing challenges, it's certainly a significant area of concern. But there are other concerns as well—I'm sure the member is aware—that we're trying to address. We're looking at a round table at some point in the next few weeks to talk about these kinds of challenges, not just the border itself, but the infrastructure leading up to international border crossings.

I also should mention a number of things, like the Roger Martin task force, which we will be announcing the details of very shortly, which is going to look at the productivity and competitiveness of a range of industrial and manufacturing sectors in this province to ensure that well into the 21st century we can remain competitive and keep these very important auto sector jobs centred in the province of Ontario.

## BUSINESS OF THE HOUSE

**Hon Janet Ecker (Minister of Education, Government House Leader):** I have a brief statement about the business of the House for next week.

Pursuant to standing order 55, Tuesday afternoon we will continue debate on Bill 87; Tuesday evening we will continue debate on Bill 30.

Wednesday afternoon we will continue debate on Bill 65; Wednesday evening we will continue debate on Bill 101.

Thursday morning, during private members' business, we will discuss ballot item number 23, standing in the name of Ms Churley, and ballot item number 24, standing in the name of Ms Di Cocco. Thursday afternoon, we will begin debate on Bill 69.

## PETITIONS

### CENTRES D'ACCÈS AUX SOINS COMMUNAUTAIRES

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I have a petition that comes from Alfred and Lefavre :

« Pétition à l'Assemblée législative de l'Ontario :

« Attendu que dans la Révolution du bon sens de 1995, Mike Harris a promis d'instituer des pratiques budgétaires axées sur les patients dans le secteur des soins de santé ;

« Attendu que les centres d'accès aux soins communautaires doivent maintenant collectivement faire face à un manque à gagner de 175 millions de dollars en raison d'un gel de leur financement par le gouvernement provincial ;

« Attendu qu'en raison de ce manque à gagner dans leur financement, les CASC ont dû réduire les services de soins à domicile, ce qui a répercussions sur bon nombre d'Ontariens et d'Ontariennes malades et âgés ; et

« Attendu que ces réductions dans les services ont principalement été effectuées dans les services d'auxiliaires familiales, ce qui oblige les Ontariens et Ontariennes à recourir à des établissements de soins de longue durée plus coûteux ou à retourner à l'hôpital,

« Nous, soussignés, demandons à l'Assemblée législative de l'Ontario d'instituer immédiatement des pratiques budgétaires réellement axées sur les patients dans le domaine des soins de santé, et cela inclut les soins à domicile, de telle sorte que les familles des travailleurs et travailleuses en Ontario puissent avoir accès aux services de soins de santé dont ils ont besoin. »

Je vais y ajouter ma signature.

**The Acting Speaker (Mr Bert Johnson):** Further petitions? The Chair recognizes the member for Hamilton West.

## OHIP SERVICES

**Mr David Christopherson (Hamilton West):** Thank you very much, Mr Speaker. With your indulgence, if I might just acknowledge that the page, Emily Baker, from Hamilton West is off sick today. We all wish her the best and advise friends and family she's doing a terrific job here and hopefully she can be back next week.

Further petitions from Gwen Lee in my riding. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

Since I'm in favour of this petition, I add my name to it.

#### CRUELTY TO ANIMALS

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I am pleased to add my signature to this petition.

1550

#### HOME CARE

**Mr James J. Bradley (St Catharines):** This petition is to the Legislative Assembly of Ontario.

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring;

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond their control;

"Whereas the funding provided by the Ontario government through the Ontario Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system;

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of community care access centres in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify its agencies about the amount of funding they will be given by the government in a fiscal year at least three months in advance of that commencement."

I affix my signature. I'm in complete agreement.

#### CRUELTY TO ANIMALS

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I have a petition which is signed by many, many people.

"To the Legislative Assembly of Ontario:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

**Mr Garfield Dunlop (Simcoe North):** To the Legislative Assembly of Ontario:



"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I'd like to sign my name to that as well.

### HOME CARE

**Mr George Smitherman (Toronto Centre-Rosedale):** I have a petition to the Legislative Assembly of Ontario. I am proud to have my own page, Christopher, deliver this.

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring;

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond their control;

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year."

I'll be signing this petition myself.

## ORDERS OF THE DAY

### STUDENT PROTECTION ACT, 2001

#### LOI DE 2001

### SUR LA PROTECTION DES ÉLÈVES

Resuming the debate adjourned on October 3, 2001, on the motion for Second Reading of Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students / *Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.*

**Mr Gilles Bisson (Timmins-James Bay):** On a point of order, Mr Speaker: I believe we do not have a quorum in the House.

**The Acting Speaker (Mr Bert Johnson):** If you'd like, I'll check and see. Would you check and see if there is a quorum present?

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Mr Speaker.

**The Acting Speaker:** Call in the members. This will be up to a five-minute bell.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** The quorum is now present.

**The Acting Speaker:** I believe that yesterday we left off with the member for Trinity-Spadina. If he would like to continue, we'd be pleased to take that in now.

**Mr Rosario Marchese (Trinity-Spadina):** Yes, Speaker, I would like to continue.

I want to welcome Ontarians who are watching. It's 4 o'clock and we're on live. Welcome to political forum. Today we're talking about the Student Protection Act.

Just to recap ever so briefly some of the things I said yesterday, in order to get to some other matters, Speaker, you and those watching know that I have often attacked this government because most of the bills that are introduced in this House have titles that normally belie their contents. I say this all the time.

I made reference yesterday to the Victims' Bill of Rights and said to Ontarians watching that Judge Day ruled, and mercifully a judge ruled and said, the bill contains no rights. But the government made it appear through its title that, yes, victims do have rights. If it were not for Judge Day, people would have been deceived into believing—

**Mr Bisson:** On a point of order, Speaker: I realize it's Thursday, but we still don't have a quorum in this House. It's unbelievable.

**The Acting Speaker:** That is a point of order.

**Clerk Assistant:** A quorum is not present.

**The Acting Speaker:** Call in the members. This will be up to a five-minute bell.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The Chair recognizes the member for Trinity-Spadina.

**Mr Marchese:** I appreciate the fact that more members have come in to listen to my speech.

Where are you going, Steve? I've got 27 minutes.

It's just so comforting to know that members come to listen to our debates and our—

**Mr Steve Gilchrist (Scarborough East):** I'd change my House duty day if I knew.

1600

**Mr Marchese:** I know. John Baird said he was going to be here today, and he's not here.

I was talking about the fact that the government often introduces bills in this place and they're very deceptive, at least as it relates to the title.

**The Acting Speaker:** I'd rather you didn't use the word that you just did. The word you used before was "belie," and I guess I have problems with those. I want to keep things civil and clean, and so I would ask you to consider carefully the words and the language that we use in the House. Thanks.

**Mr Marchese:** Speaker, I'm very careful, because I know how tough you are in the chair—

*Interjection.*

**Mr Marchese:** I didn't use the word "malign." I didn't use that. I did use the words "it belies." I did do that, and the clerks can confirm that. I often say that the titles of the bills belie their content. I say that all the time. I was giving reference to the Victims' Bill of Rights—

**The Acting Speaker:** That may have been in the past, but it won't be from now on.

**Mr Marchese:** Speaker, I'm not quite sure why you're ruling that way, because I'm not saying they're lying. The word is "belies." Perhaps you might seek some assistance from the clerks, Speaker.

**The Acting Speaker:** I know what the word is and that's why I'm objecting to it. I would like you to consider yourself warned.

**Mr Marchese:** I've used that word for years in this place. I don't understand, Speaker. I still urge you to consult with the clerks, if not today, another time, just to discuss the usage of that word, because, as I often argue in this place, if you sanitize every possible word that the opposition members might use, this place would be absolutely sterile, boring and no one would watch this political forum. You understand that. So, Speaker, you can't sanitize our language. It's wrong to do it.

I wait for you to rule on that at some future point, because I do want to use that word and I want to say that the Victims' Bill of Rights contains no rights. What does that say to you, Speaker, and to those watching? If the bill has no rights, but the title says there are rights, something is wrong with that title. Isn't it true, members of government and those of you watching? What kind of terminology can you use to get to that? That's why I used the word that the Speaker has warned me not to use. I hope maybe even before the end of my speech you might stop me and say, "It's OK, Marchese, you can continue to use it." I hope he will do that.

In the meantime, referring to other bills, there's the Parental Responsibility Act, which was to give parents

the responsibility for their children vis-à-vis the acts of crime that they commit and that parents would now be responsible for more than what the law permitted at the time. We said that the law says anyone can take a parent to court as it relates to something that their children did that causes some damage to property or to the person. We said that the law in place prior to the Parental Responsibility Act contained more rights than the Parental Responsibility Act that was introduced by this government, which suggests they're doing something which we didn't have in place before.

Do you understand what the game is all about? These titles and these bills suggest that something new is being introduced by the government that actually does something in relation to dealing with issues of crime, in relation to dealing with issues of rights, and all you guys do is just make it appear like you're really tough, and you're not.

I'm reminded of the Safe Streets Act that went after squeegee kids, those poor squeegee kids. The Safe Streets Act—"We're going to clean the streets up of the squeegee kids." It makes it appear like somehow you people are going to make the streets safe by just getting rid of those squeegee kids who were cleaning windows. Do you understand what I'm getting at?

The point I make is that much of what you've done and what you do is simply not factual, but in this case, with respect to the Student Protection Act, we support the bill, at least 90% of what is there, because there are some other matters that are of concern to us that we want to discuss today and we hope the government will address them. In this particular case, the Student Protection Act actually does what it claims to do in the title.

So I say to you, Ontarians, it's difficult to know when the government is saying something that is right and something that often may not be so right, that might be in fact wrong. How do you sort out the garbage from what might be something that's pure and/or clean? How do you sift it out? You don't know.

As I indicated yesterday, it's not as if the government says to you, "Call us and we'll send you the bill," "Call us and we'll discuss the bill with you." The intent of everything you do is to put the substance of something in the title as a way of convincing those who otherwise do not read, cannot read, will not read, to give them the sense that you are actually doing something, just like the Tenant Protection Act, which was designed clearly for the landlords, but you introduce it in a way that makes it appear to those who otherwise are of sound mind that you're actually doing something for tenants, when in fact you are not.

In your decontrolling of rents, the tenant is getting a big hit each and every time. Most people don't understand decontrolling of rents. It's a complicated construct. What does decontrolling of rents mean to an ordinary person? What does it mean to that person who is in an apartment, one of 3.3 million, when you use language like "decontrolling"? It doesn't mean much, except, I tell those of you who live in apartments, that if you move out



of your apartment your rents are jacked right up to the maximum, to as much as the landlord can make. So they're going to suck you dry a little bit. They're going to squeeze you a little bit, because the law, the Tenant Protection Act, permits it. The tenant protection law permits landlords to squeeze just a little more money out of you.

You understand. Decontrolling means you move out of your apartment and you go somewhere else, the landlord can jack up the rates as much as possible, and then rent control kicks in. But by that time you have been whacked in ways that are immeasurable. We've seen unprecedented evictions, unprecedented hardships, unprecedented rent hikes in the history of—well, there were other times when tenants have been hit, but you people are hitting them really bad. That's why New Democrats speak of rent control and speak, because the matter is so serious, of rent rollbacks. But that's another discussion.

Getting back to the bill here of student protection, we support it. New Democrats support it. There are teachers who are our heroes in the educational system who support it. These are the true heroes, unsung, I would say, because this government doesn't miss an opportunity to beat them up and beat them up good. These unsung heroes support the Student Protection Act because it does something good for students, because it is designed to protect students from sexual abuse. Our heroes, the teachers, say to this government, "We are on your side." I often say, if only the government could extend the same courtesy to teachers that the teachers are extending to this minister as it relates to this particular bill which is designed to protect students from sexual abuse. So teachers support it.

New Democrats support it because it is in the public interest. It is in the interest of a healthy, civil society that we do everything we can as legislators to make sure that young people, while in the care of our teachers, are protected, because we know that sexual abuse is perverse and we know that it shatters the lives of those young people who are affected by it. You won't find any New Democrat who is going to say no to this bill and you won't find any teacher I'm aware of who is going to say no to this bill. So by and large, it is a bill that has acceptance by the majority of people that I think belong to a civil society.

1610

There are concerns and some were raised yesterday. One of the concerns that was raised yesterday was that government needs to look at prevention. Like everything else in life, if we don't put in place structures and mechanisms to make it possible to prevent sexual abuse, then we're not dealing with the issue except when it arises, and by that time it's too late and somebody has been harmed.

So prevention is important. What is the government doing with respect to it? They probably argue that the College of Teachers has in place mechanisms in the system to deal with issues of training for teachers as a way of getting a handle on sexual abuse. I am sure there

are some of those mechanisms and instructions in place. Probably, I would argue, much more can and ought to be done.

The government has more of the money to be able to support boards of education to do that job, and I urge the government to release whatever it takes for the system to get a handle on preventive action as it related to sexual abuse.

Quite possibly the government will argue that once this bill is passed, then the College of Teachers will have a better sense of what else to put in place, beyond that which they have done, to deal with issues of prevention. That's probably true. If that is the argument advanced, we await the passage of the bill at some point to be able to have the government tell us what it is they will do to help the College of Teachers and teachers in general with issues of prevention. I can wait for that on the assumption that government has an interest in dealing with issues of prevention.

There is another issue that has been raised by Justice Robins that I want to highlight, that I believe needs to be addressed, and that is why I said to the minister yesterday, publicly and in private, that we need to have hearings to be able to deal with some of the concerns that have been raised.

Justice Robins, with respect to the definition of sexual abuse versus sexual misconduct, says the following:

"I use the term 'sexual misconduct' to embrace the full range of offensive activities of a sexual nature that teachers could engage in. The term 'sexual abuse' is a narrower term which may not be suitable to describe some offensive conduct of a sexual nature which nonetheless, should be proscribed.

"The term 'sexual abuse' is understood by many to describe conduct that involves physical contact between abuser and victim that is criminal, and that involves a significant age differential between the parties. It is not always understood to include activity that does not involve physical contact (such as indecent exposure) or which is non-criminal (such as a teacher's comments about the size of a student's breasts). Further, I noted that while 'sexual abuse' appropriately describes a sexual assault, the term may not be suitable to describe offensive conduct of a sexual nature which nonetheless should be proscribed. Put simply, the term is under-inclusive and fails to capture the full range of sexual misconduct which may properly be the subject of disciplinary proceedings by an educator's employer or by the college. Its use may leave the erroneous message that only those forms of sexual misconduct which can be characterized as abuse should be regarded as professional misconduct.

"I appreciate that sexual misconduct that falls short of sexual abuse may be characterized as conduct unbecoming a member, or as disgraceful, dishonorable or unprofessional, or as a contravention of law relevant to the member's suitability to practise or which might cause a student to be put or to remain at risk.... However, misconduct of a sexual nature should be described as

such. More to the point, the regulation should serve to inform and educate members. This means that not only should the term 'sexual misconduct' be utilized, but that it should be defined."

Robins's recommendation number 6.2 says, "'Sexual misconduct' should be defined as 'offensive conduct of a sexual nature which may affect the personal integrity or security of any student or the educational environment.'"

Bill 101, the bill that we are debating today, would define sexual abuse as follows:

"'sexual abuse' of a student by a member means,

"(a) sexual intercourse or other forms of physical sexual relations between the member and the student,

"(b) touching, of a sexual nature, of the student by the member, or

"(c) behaviour or remarks of a sexual nature by the member towards the student."

The point that Judge Robins raises I think is worthy of some discussion, that "sexual misconduct" is broader and "sexual abuse" is narrower. While yesterday I supported the definition of sexual abuse as presented by the government in that it creates a comprehensive definition of sexual abuse that includes not only physical abuse but also sexual harassment, Judge Robins does raise good points about "sexual misconduct" as being a broader term that encompasses much more than what it appears we have before us. So while that which is before us is fine in my mind, Judge Robins raises other concerns that I believe we need to discuss.

That is why we say that while we support the bill, and we support it firmly because it is of a serious nature, we want the minister to confirm to us and assure us that we will have hearings. I'm not certain that we need many days of hearings, but I told the minister yesterday privately that we are interested, as New Democrats, to have one or two days, and we hope we'll have two days, of hearings on this issue to permit people to talk to some of the concerns we have raised.

The third concern that we have raised is the fact that every certified teacher in the province is subject to the law, Bill 101. I remind you, Speaker—not really you, Speaker, but the members of this assembly, the Conservative members in particular—that in the public system we have 1,200 unqualified teachers who receive letters of permission to teach. These people teaching in our public system would be covered by this legislation. Remember, they are unqualified, but they're covered by this legislation. I just want to remind the public that's watching that this legislation, while it applies to certified teachers in the private system, does not apply to those who teach in the private system but are not certified teachers.

The point I make and argue today is that teachers are teachers, that whether you have a title called "certified" or not, if you're in the educational system, you are teaching students. You come in contact with students. The law ought to extend to these teachers who are not certified, because they are in contact with young people,

and young people are as vulnerable to potential sexual abuse be they certified teachers or unqualified teachers.

You understand, Speaker, I hope. It's not too difficult to understand. Human beings, certified, uncertified—in my mind they're all teachers. But the minister said in private yesterday, because I heard her, "But they're not teachers. That's why they can't be covered by this law." I'm sorry, madame la ministre. I'm telling you that you've got to create a mechanism to make sure that everyone is covered by this law, and if you're not doing it, the omission is egregious and it leaves a lot of students vulnerable to potential abuse. If you're not subject to the law, you are protected by the law. It's paradoxical, I know, Speaker, to you and to the Conservative members, that you have a law that protects people who potentially could be abusers. You have nothing in place and have presented nothing and said nothing publicly that would deal with this obvious omission.

1620

I say to this government, to this minister, that you have to find a mechanism to deal with it. This is one of those few bills—and there aren't too many, I say to Michael Prue, my new colleague here—where all three political parties come together, debate and discuss bills and you have almost unanimous consent to something. You rarely get that kind of unanimity. But around this particular bill, we all worry about the public safety of young people who are in the care of teachers. We all worry about that and for good reasons. So it's important for the government to treat this issue in that way, that it doesn't have to be conflictual, that some of these matters we have raised are resolvable, and public hearings can do that, we hope.

We say to the government that if you had never introduced public support for private schools, one of my objections would have been removed, but you, in your wisdom, you who otherwise are normally of sound mind, have decided in this particular instance to extend taxpayers' dollars to private schools, and that's wrong. Your Premier and the minister stated over and over again in the past that in doing so it would take money from our public system in ways that would be injurious if not ruinous to the public system, yet you, Minister of Education, allowed the Minister of Finance to take over what is essentially an educational matter and make it a financial issue. You abandoned your post and permitted the Minister of Finance to do something you knew was wrong.

So yes, we hold you responsible for not defending public education, and yes, we decry your attempts to explain it away by saying, "Oh, my remarks and the remarks of the Premier with respect to public dollars for private education were something of the past. It was intended to mean the \$300 million would indeed come out of the public system if we had funded the private system in the way of the past." I asked the minister, "What do you mean 'in the way of the past'?" She had no answer. I asked her to explain to me what kind of financing they had in mind four or five years ago that would have taken \$300 million out of the public system



but have devised a new system of tax credits that doesn't come out of public education but will come out of consolidated revenues and therefore won't damage public schools.

It's a dumb argument because there's only one pot of money, and from that pot we allocate to areas of responsibility that we have as legislators. All money goes into one pot and then you, as the government, with the wheels and the limousines, decide how to assign dollars to the various responsibilities. When you give away \$300 million to \$500 million to \$700 million of our taxpayers' money to private schools, it'll come out of somewhere. It comes out of some pot. It comes out of three areas: education, health and social services. That's where the big dollars go: \$13 billion or so to education; \$20 billion or so to health; \$13 billion or so to social services. That's where the money goes. Then you decide, when you don't have enough, where to cut. I'm arguing to you, taxpayers, that more money will have to come out of our public education system to deal with that.

If you hadn't funded private schools, then I would not be raising an objection with respect to Bill 101, that it will not cover those who otherwise teach in the private system but are not certified. It would not have been an objection of mine, but now is because those people are not covered by this legislation.

We've got various objections that we have made to this bill. There could be others; I'm not sure. Objection 1 is issues of prevention. Objection 2 is issues of serious concern that we fund private systems from public dollars and those teachers who are not certified who teach those 100,000 students in that private system, half of which are not certified, probably, are not covered. Objection 3 is the definition of "sexual misconduct" versus "sexual abuse." While I defend the definition of "sexual abuse" as presented, I think we need to consider Judge Robins's remarks around sexual misconduct.

I urge the minister to grant us and those who have concerns two days at least of public hearings to permit people to respond to it, because I know we can come to some kind of agreement, I'm convinced, because the majority of people support this bill.

Mr Speaker, I thank you for your attention. I hope you'll get back to me on the issue of "belie."

**The Acting Speaker:** Thanks for your time. Comments and questions?

**Mr Garfield Dunlop (Simcoe North):** I want to thank the member from Trinity-Spadina for his comments. I'm happy to hear he will be supporting the bill. I know you have some concerns with it.

I was also happy to hear earlier, in the last couple of days, comments from your leader supporting forms of tax cuts. I think that's very important in these days. I appreciate the fact that the NDP has got the message.

The government has taken Justice Robins's report very seriously. The government is acting on recommendations from the Robins report, the Ontario College of Teachers and our education partners. The government is committed to identifying better ways to help ensure the

safety of Ontario's children and to support the victims of crime.

We know that most teachers have earned the respect of parents and students. We all know those teachers; they're in all our schools. But we must do everything we can to protect the safety of our students and make that the very top priority. The Student Protection Act, 2001, will protect Ontario students from sexual abuse.

I want to bring up one point on amendments to the Ontario College of Teachers Act, 1996. This bill makes an amendment to that. There was some concern about the words "sexual harassment" and if they were in fact included. I just want to read a little bit about that.

"Section 1 of the Ontario College of Teachers Act, 1996, as amended by the Statutes of Ontario, 1997, chapter 31, section 161 and 2001, chapter 14, Schedule B, section 1, is further amended by adding the following definition:

"'sexual abuse' of a student by a member means,

"(a) sexual intercourse or other forms of physical sexual relations between the member and the student,

"(b) touching, of a sexual nature, of the student by the member, or

"(c) behaviour or remarks of a sexual nature by the member"—

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Mr Dwight Duncan (Windsor-St Clair):** I'm pleased to have the opportunity to respond to the member for Trinity-Spadina. First of all, he raised a number of concerns with the bill that we have shared and indicated in our discussions. We talked notionally about the idea that the provisions of this bill should be extended to cover private schools in Ontario. The minister has placed an argument against that under the guise—I'm paraphrasing the minister—that the legislation itself is not applicable to those schools and that until the regulations are promulgated with respect to private schools, it's premature.

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Secondly, extending that coverage to non-teaching professionals inside of our school system: we agree with that. I know last night—I wasn't here for the length of his speech—he too addressed the issue of prevention, as Justice Robins did in his report.

Then finally the notion of having the financial resources in place to deal with these kinds of concerns: I should say to the member for Trinity-Spadina, and I know the government whip will concur, that this morning the government did agree to committee hearings on this bill. The government has agreed to clause-by-clause to allow the opportunity for amendments to be brought forward.

This bill is an important step, and I think the caveats the member for Trinity-Spadina raised are worthy of the government's consideration and certainly worthy of the consideration of this assembly, hopefully at clause-by-clause. I'm certain that member will put amendments. We too will put amendments.

The government's case with respect to the applicability of those amendments, specifically as they relate to teachers in private schools and non-teaching professionals in all schools: we think that argument's incorrect. We believe the bill can be amended to deal with those circumstances at this time and that now is the appropriate time to deal with those. I thank the member for his comments.

**Mr Michael Prue (Beaches-East York):** I think all the members of the House will remember the horrific life of Martin Kruze. We certainly read a lot about it in Toronto. His problems as a boy, his problems as a man were profound. How we deal with this is maybe a testament or a way of saying to the Kruze family that this society holds in contempt what happened to him and we want to try to make sure it does not happen to any other child, any other boy, any other girl, any other person.

How can it be any different, though, when we stand here and say that one can be abused and have certain consequences in a private school versus how one could do that kind of deed and be treated differently in a public school? That's a question that is so fundamental here. We have to be able to clearly articulate that no matter where it is done, it is wrong. It is wrong at Maple Leaf Gardens, it is wrong in a private school, it is wrong in a public school.

The child abuse committee of Toronto works extremely hard—and I was a member until this week—with both the victims of abuse and with those who are the abusers. The number of cases reported in this province is increasing. They're increasing not only because the numbers are going up but because people are less likely to hide in shame than they once were. Everyone who does this needs to be unmasked, everyone who is a victim needs to be protected and everyone who would perpetrate such acts needs to be dealt with equally and severely under law.

I congratulate my colleague for his wonderful speech. We need to do more than what this bill does. We need to get to the root of all those who would abuse.

**Mr Bart Maves (Niagara Falls):** I recall that Justice Robins's report came out quite some time ago. I believe it was before the 1999 election. It was quite a disturbing account of events that had occurred in Sault Ste Marie; events that had gone on for a very long time; events that it seems people in the community knew about but were unwilling to do anything about. Mr Tony Martin, who's the NDP member for Sault Ste Marie, brought forward a bill which was a change to the Child and Family Services Act, and his bill sought to address some of the concerns in Justice Robins's report.

I remember going to committee hearings on Mr Martin's bill in Sault Ste Marie, I believe last summer, and both the government and the NDP sides listened very intently to some very emotional testimony given by people at that public inquiry. I say the NDP and PCs because the Liberals failed to materialize at that meeting. It was rather surprising that they failed to show up for such an important bill and discussions on such an important issue.

But this act attempts, within the school system, to address Justice Robins's report. I believe the NDP will support it because it has a similar intent to Mr Martin's bill. I look forward, as the days and weeks move on, to further discussion about this bill and commend Mr Martin for his initiative and the government for following through on a similar initiative.

**The Acting Speaker:** The member for Trinity-Spadina, two minutes to respond.

**Mr Marchese:** I say to the member from Niagara Falls that we do support the bill. We can't be any clearer than that. We have raised some concerns, but we are clearly in support of the bill.

I want to say to the member from Simcoe North that we're saying to people that if you, as a government, want to give away \$2.5 billion—in income tax cuts to individuals who don't need it, the high-income ones, and the corporate sector, the banks, those who don't need much support from us—there is a better tool. The better tool is the provincial sales tax. That's what we're saying to the member for Simcoe North, that one is a better tool than the other. Cutting provincial sales tax is better than cutting income taxes to individuals who otherwise don't need it, at the high-income level, and particularly people like banks, which certainly don't need taxpayer support.

Provincial sales tax: everybody's got to buy. Everyone's got to buy something. Whether you earn \$10,000, \$15,000 or \$30,000, everyone's got to buy. We're saying it would stimulate the economy better and help those in the lower income bracket than your income tax cut that only serves to profit those who don't need it. That was to you, the member for Simcoe North.

With respect to this bill, we support it. We have concerns around issues of prevention, we have concerns around issues of definition of "sexual abuse" versus "sexual misconduct" and how to deal with that, and we have serious concerns that those who teach in the private system but do not have a certificate need to be covered by this bill, and the minister has to create a tool for that to happen.

**The Acting Speaker:** Further debate?

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** It is a pleasure for me to stand in this House this afternoon and talk about the Student Protection Act, 2001.

Just a couple of seconds ago, my colleague on the other side of the House the member for Beaches-East York, Mr Michael Prue, spoke and I do want to welcome him officially. I sent him a note as soon as he came in, and I am glad that he is up and about and joining in a healthy and very important debate.

As I said, I am pleased to stand today and discuss and debate this bill, the Student Protection Act, 2001. I think this is a very important act. I'm going to take you back to some time as I was growing up, as a young man of about eight or nine years old. My grandfather, who had been to Canada in his early years when he was about 18 years old, had traveled back to India where I was born. We would discuss things. He was the wise man of the village,



and we would discuss things about his experiences and about things he picked up while he was travelling in this great country of Canada.

One of the things he spoke about was education, because he did not know the language when he was here. He used to work on the great railroad that joins the country together. He found out that because of his language problems, he did suffer a little bit of some kind of disparity in what he was being paid and disparity in getting the kinds of jobs perhaps he could have gotten if he had known the language.

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One thing he taught us as we were growing up is to try to get the maximum education one can, try to learn the languages, try to get out and experience the world, because he had done so at that age of 18. I am very glad to say that we listened to the wise old man. He was a great man. He taught us the importance of education. He did say, "No matter what, education is something that nobody can take away from you. It is something you must strive for to do the best you can."

I am very happy that I was able to do that. I am very happy that my children, along with many other children of this great province of ours, are striving to get the maximum and the best education they can. I am very happy to state that Ontario is at the forefront in secondary school education as well as a university education.

As a parliamentary assistant to the Honourable Dianne Cunningham, Minister of Training, College and Universities, I am very cognizant of the fact that we have a great challenge in front of us, a great challenge called the double cohort; that is, in 2003, two classes will be entering university. In September 2003, the people who are in grade 12 now and kids who are in grade 11 now are all going to be going to university. We expect there will be an influx of about 85,000 students. I have been assured by not only the ministries but by my own due diligence that we will have those spaces that are going to be much needed for those students.

Sometimes it's very easy for a government to talk about these things from its point of view, saying how good the system is and how well we are running it. But I took a step further and I did consultations with the universities and colleges and the people who are actually running those institutions. They too agree with the approach we are taking: the \$1.8 billion we are spending in the area of rebuilding, and also the \$293 million we have given to the universities over next year, the consistent funding, so they can go out and hire the faculty we're going to be needing. It is very important to have those basic foundations.

We're going to come back to this particular bill. Ontario's two million students need and deserve a school environment that is free of fear from sexual abuse and harassment. I just want to make sure that through this bill, if passed, kids who need our protection, kids who need the protection of the teachers and the principals when they are going to school, will have no fear in their minds that they are going to be subjected to any kind of

sexual harassment. It is very important for the young mind and the learning mind to pay attention only to the task at hand.

In today's day and age we talk about lifelong learning, and I do agree with that, and Internet-based learning. We're learning all the time. I know I'm still learning, that's for sure. But at the same time there is a stage in life, and I suppose it is the early years, from perhaps junior kindergarten to grade 13, which are very important years for building the foundation.

I believe, Mr Speaker, and I'm sure you do as well—because I know you and I have discussed things about values and about bringing up children in a very value-based society—the 3Rs are very important. The basic education is very important. The core subjects are very important. It is well and good to have the freedom to do and choose whatever you want, but in the early years you want to make sure about the basics: the reading, the writing, the arithmetic in terms of the sciences and whatever kids should be taking. But it is important, as kids are going to school on a daily basis, that they are free from any kind of intimidation.

I know the previous speakers from both sides of the opposition parties have agreed that it is a good bill and I understand they're going to be supporting it. I'm certainly looking forward to working with them.

The management of a case of sexual abuse involving a teacher and student in Sault Ste Marie is what got government's attention and caused us to establish a review by Justice Sydney Robins. We asked Justice Robins to look at the circumstances of the Sault Ste Marie case and also to cast a wider net, to make recommendations regarding protocols, policies and procedures to effectively identify and prevent sexual assault, harassment or violence. Justice Robins presented the government with his report in the spring of 2000.

This report provides a comprehensive and thorough analysis of sexual misconduct within the educational system, and it makes 101 separate recommendations directed toward the federal and provincial governments, the justice system, school boards and the Ontario College of Teachers. To support his detailed recommendations, Justice Robins offered some very thoughtful analysis of the dimensions of sexual abuse in the educational context.

I would like to begin with his principal suggestions and then talk about how Bill 101 addresses his key concerns. One of the most important perceptions advanced by Justice Robins is that sexual abuse of students by teachers is a very complex issue that requires a concerted and coordinated response. There's no simple, or single, solution.

Effective action to combat sexual misconduct by teachers requires careful planning and joint action involving many educational partners, including the ministry, the school boards, teachers and the regulatory body—the Ontario College of Teachers—the police, children's aid services and the courts. And of course we should not forget this Legislature.

Another important insight we can learn from Justice Robins is the contribution that safe and respectful school environments can play in supporting the prevention of sexual abuse of students. As Justice Robins said in his report, "It is important to remember that policies and protocols designed to identify and prevent sexual misconduct by educators may, and indeed, should be established within larger initiatives designed to create a school environment free from violence, abuse, harassment and discrimination."

Our government has taken a number of important steps to meet that need for the school environment to be safe, to be a respectful and secure place for teaching and learning. Through our safe schools initiative, we brought in a provincial code of conduct. It establishes clear, consistent, province-wide standards of behaviour for everyone involved in our schools as well as mandatory consequences for students who do not follow the rules. In addition, this Legislature passed the Safe Schools Act, as you will remember, which provides the legal framework for the code and promotes respect, responsibility and civility in Ontario schools.

The ministry has taken a number of additional steps to support safe environments in schools, including a provincial model for local police and school board protocol for police involvement in the schools; raising awareness for school boards to train staff to recognize the signs of physical, sexual or mental abuse through the violence-free schools policy; the new elementary curriculum, which introduces such topics as sexual harassment, child abuse and violence in the relationship at an early age; and finally, the implementation of criminal background checks, which is very important, for teachers and other school employees in contact with children. These new requirements will be phased in over the next two years.

Our government made another important contribution to the safety of children through the amendments we made in 1999 to the Child and Family Services Act. The purpose of those changes was to strengthen the role of front-line protection workers to enable them to do a better job of protecting Ontario's children.

One of the key amendments that we made to the act was to clarify the responsibility of professionals and the public to report to children's aid societies if a child is, or may be, in need of protection.

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Turning to the specific recommendations Justice Robins made, I want to talk about how Bill 101 addresses his key concerns. A number of Justice Robins's recommendations dealt with the need for a clearer and more comprehensive definition of "sexual abuse" in the school context. He noted that the existing Criminal Code definition was not broad enough to include sexual harassment, and therefore did not provide sufficient protection to students. He also expressed the hope that a broader definition of "sexual abuse" would be given a legislative base.

The proposed Student Protection Act, 2001, which we are talking about today, addresses these concerns

directly. We would include sexual abuse as part of the description of professional misconduct. The proposed new definition of "sexual abuse" includes sexual intercourse or other forms of physical sexual relations between a teacher and a student, touching of a sexual nature of a student by a teacher and behaviour or remarks of a sexual nature toward students. The government believes this comprehensive definition of "sexual abuse" will better protect students from sexual harassment and sexual assault.

Bill 101 would take another important step to meet Justice Robins's concerns; that is, it proposes to place this more detailed definition in two statutes: the Ontario College of Teachers Act and the Teaching Profession Act.

One of the key points made by Justice Robins was the need for strong action to remove teachers from the classroom and from contact with students when there's an allegation or charge of sexual misconduct. This issue is addressed in part I of Bill 101. It proposes an amendment to the Education Act that would place an important new duty on school boards. When boards become aware that a teacher has been charged or convicted of an offence involving sexual conduct and minors or any other offences that might place students at risk, they would be required to ensure that the teacher does not perform any duties that involve access to students. This requirement would apply to all certified teachers and temporary teachers working for school boards, school authorities and provincial school authorities. In practical terms, it would require immediate removal of the teacher from the classroom and from any other duties that might involve contact with pupils. This duty to remove the teacher would be maintained pending a withdrawal of the charge, a discharge following a preliminary inquiry, a stay of the charge or an acquittal.

Another important issue addressed by Justice Robins's report was the need for more comprehensive reporting relationships between the employers of certified teachers and their regulatory body, the Ontario College of Teachers. He states that a school board policy on how complaints of sexual abuse should be acted upon that is clear, fair and known to all is likely to protect children, ensure fairness to the affected teacher, provide assurance to the community and enhance the school environment. The government agrees wholeheartedly with Justice Robins on the importance of clear reporting relationships, and our agreement is reflected in considerable detail in Bill 101, the bill we're discussing today.

Because the Ontario College of Teachers plays a pivotal role in certifying teachers, establishing standards of practice and handling discipline, Bill 101 proposes a number of important improvements to strengthen the college's ability to respond to cases of sexual abuse by certified teachers.

When a teacher's employment has been terminated or his or her duties restricted for reasons of professional misconduct, employers of certified teachers would be required to report this to the college within 30 days. It



would also be necessary for an employer to report to the college if the employer intended to terminate the teacher's employment or restrict his or her duties due to professional misconduct but did not do so because the teacher resigned. What do you do then? This is an important provision designed to help prevent potential abusers from moving undetected from one board to another or from one school to another.

Next, the registrar of the Ontario College of Teachers would be required to report back to employers on the action it has taken in response to employers' notifications to the college. This is another important innovation that would close the communications loop and help ensure that employers are made aware of what has happened to cases involving their employees.

The proposed legislation also recognizes a need to enhance fairness in the process. Bill 101 proposes that employers be required to notify the college when they become aware of a number of important circumstances: if a charge has been withdrawn, if a teacher has been discharged following a preliminary inquiry, if a charge has been stayed or if the teacher has been acquitted.

The next new reporting initiative would require the college to provide employers with its decision regarding their teacher employees relating to professional misconduct and professional status.

One of our government's top priorities continues to be the protection and safety of Ontario's children and young people. We must do everything we can to protect them from sexual abuse, especially when they are in our schools. The Student Protection Act, 2001, does just that. It builds on and supports the many efforts our government has made to benefit children. I know most of the members have already said they are going to be supporting it. I'm certainly going to be supporting it, as you would have gathered from my discussion this afternoon. I urge the speedy passage of this bill.

**The Acting Speaker:** Comments and questions?

**Mr Mike Colle (Eglinton-Lawrence):** Bill 101 is supposed to provide for the protection of students, but this bill does not go far enough. It leaves thousands of children who go to private schools in this province unprotected.

I have a school in my riding, for instance, where the so-called principal is a convicted criminal. He has defrauded children and their parents out of hundreds of thousands of dollars. He is up on 44 charges of fraud. The school lacks books. The children were promised credits; the credits were not coming. This school was advertised on the Ministry of Education Web site. It totally defrauds hundreds of children, has been doing it for years and no government ministry has acted.

I've asked the Ministry of Education to close it down. They refused. I've asked the Minister of Labour to close it down. He refuses. I've asked the Ministry of Community and Social Services to close down the child care centre and the day camp. They refused. I've asked consumer and commercial relations to close down the school. They refused to act.

So here we have children who are basically being abused, being deprived of their basic education rights on a daily basis right under the government's nose. I'll name the school: St James Academy at Lawrence and Caledonia. It looks like a warehouse. You wouldn't want to send your worst enemy to this so-called school. The principal continues to operate. He's in court, not paying teachers. He owes innocent children thousands of dollars, and this government is not protecting those children there.

If this bill is really interested in protecting children, why would they not close down St James Academy? That's the question parents and children are asking. Why is this school allowed to be operated by this convicted criminal abusing children and their rights to be educated?

1700

**Mr Bisson:** Just listening to the comments of my friend Mr Colle—I forget the riding—I wonder if that particular school is a model the government wants to hold up as one of these private schools that people could send their children to. I hope not, anyway.

I want to comment to the member for Bramalea-Gore-Malton-Springdale, just a couple of points that I want to make. Nobody here in the House is arguing that we shouldn't do something in order to protect children from predators. I think all of us in this House agree that's something we need to work on and need to find solutions for, because it is a problem in our society.

The problem I have with this legislation is, why all of a sudden, the only time you want to deal with this issue in the Legislature since this government was elected in 1995, do we just single out teachers? There are predators in our society in all classes of society, in all kinds of professions, who are out there doing what is a criminal act, doing things that are going to scar these children for years. I look at this and I say, is this more teacher-bashing? I just say to the government member across the way that I enjoyed what you had to say. You made some comments that I thought were reasoned and came across to most people who are sitting back and listening to the debate that this is a good thing. But again I say, why is it that we're just targeting teachers?

The second point is, why are we just targeting teachers in the public system? Are you somehow saying, by way of this legislation, that in the private system this type of activity doesn't happen? I don't think any of us would believe that. So we say to ourselves, why not get the Minister of Education to find a mechanism, if we're going to have legislation that deals with how we deal with teachers who are found to engage in those types of activities, so that it has to at least apply to teachers who are in the private system and teachers who are unlicensed?

The argument the government uses is because we can only do it through the teachers' college. I'm sorry, it doesn't cut it. This is an issue that has to be dealt with across society, and to single out teachers is nothing more than teacher-bashing.

**Mr Dunlop:** Again it's a pleasure to stand here this afternoon and speak to the Student Protection Act, 2001. I want to compliment my colleague the member for Bramalea-Gore-Malton-Springdale for his fine presentation this afternoon. I know that Mr Gill, as an engineer and as the parliamentary assistant to the Minister of Training, Colleges and Universities, has a lot of deep concerns about education, and I believe he has two daughters in the university system.

Certainly we want to do what is right in the education system, and we think the Student Protection Act, 2001, will go a long way to making improvements. Again, we are very pleased that in this House this afternoon we've heard that both parties will support this bill, although they're not keenly fond of it. They do have some concerns, but nonetheless we're pleased that they will support it.

I want to just make a couple of points on the act. It includes a comprehensive definition of sexual abuse designed to protect students from sexual harassment as well as sexual assault. I talked about that a little earlier in the first comment I made. I also wanted to point out again and repeat to the House that the bill will require school boards and other employers such as independent schools and tutoring agencies to report to the Ontario College of Teachers if a certified teacher has been charged with or convicted of an offence involving sexual conduct with minors or any other criminal offence that the employer feels may put students at risk.

Again I want to compliment Mr Gill for his fine presentation and thank you for the opportunity.

**Mr Joseph Cordiano (York South-Weston):** Let me just briefly comment on the thorough, comprehensive presentation of my colleague the member for Bramalea-Gore-Malton-Springdale. I thought he did a very good job of laying out the bill as presented by the government.

All of us on this side of the House will of course support this bill. I think others have made comment with respect to the shortcomings in the bill. I think we repeatedly have pointed out to the government that the bill does not go far enough, that we should include in this bill all of Ontario's children, and that includes those who are in the private school sector. It is inconceivable to us that this government would exclude those children from its protection under this act.

We have concerns about that and we say to the government that you should rethink this. You should include these children in private schools. We would hope that the government would take this into consideration and include those children. The bill will be going to committee, there will be hearings and I hope the government would take what we're saying into consideration.

I would also like to highlight a number of areas that are of some further concern. I will be speaking on this bill, and I'll make comment on that, but let me just say that the member did a fine job, being comprehensive and having done thorough research, so I commend him on that.

**The Acting Speaker:** The member for Bramalea-Gore-Malton-Springdale has two minutes to respond.

**Mr Gill:** I want to thank all the members who took part in this afternoon's debate: the members for Eglinton-Lawrence, Timmins-James Bay, Simcoe North and York South-Weston.

A few things came up in this discussion today.

The member for Eglinton-Lawrence brought up a particular school. The system was so bad and the principal perhaps might not have been doing things properly. I'm not sure of the situation. But one thing we are providing as a government is more choice in education. If parents want to take their kids to a school, even though geographically another school might be closer to them, I think they should have that kind of choice.

In terms of discipline, they should have strict discipline, they should show respect for the teachers. I've said it before. I came up through the system, even though it was a public school, where a uniform was the norm. As a government, we are certainly giving leeway through the student councils and through the parent councils so that parents can make that choice.

One other thing: somebody asked why we didn't bring this bill in earlier or if it goes far enough. There's always—and I believe this sincerely—room for improvement. There are always things we can do better. Certainly we have had other governments who have been here before, and some of these things people might have suspected, people might have felt were going on, but there is a point in time when you have to take leadership, the leadership that Mike Harris has taken, not only to protect the children but also the citizens of this great province of ours, unlike the federal government.

**The Acting Speaker:** Further debate?

**Mr Michael Bryant (St Paul's):** I'm going to be sharing my time with the Ontario Liberal caucus. I'm pleased to join this debate. Of course, I support this bill. I echo, just at the outset, the concern raised that in fact these laws are not going to be applying to private schools. I'm going to be splitting my time, just so I'm clear, with the member for Toronto Centre-Rosedale, as well as the member for York South-Weston. My concern is with respect to private schools, particularly in my riding. I have more families sending their children to private schools in St Paul's than any other riding, I'm told, in the country and certainly in the province of Ontario. As a result, obviously there are a lot of families in St Paul's whose children are not going to receive the protections that are being provided in this bill. There's really no sense to that.

I hope the government does send this to committee and that when it is considered in committee those issues will be addressed one way or another. There are a couple of other matters that I want to speak to in terms of technical changes that might be addressed in committee, and I'll get to that in a moment.

This bill is about increasing protection for students. We know that it is trying to make some good out of the tragedy of what happened in 1993 in Sault Ste Marie, as



some comfort, I suppose, to the victims—and by that I don't just mean their immediate families but everybody who was affected by this tragedy—so that they know the Ontario Legislative Assembly has responded in some positive way.

1710

Of course, we're drawing many of our comments here in the debate and much of this bill from the great work done by Justice Robins, formerly of the Ontario Court of Appeal, in the report *Protecting Our Students*. Time will not permit me to get into much detail in terms of the report, but let me just say at the outset that the definition of "sexual abuse" taken from this bill does not really square with the recommendations by Justice Robins. I hope the government reconsiders the way in which sexual abuse is defined.

Right now, it's basically cut and pasted from the Health Professions Act. Of course, the duty of care for a doctor to a patient is not the same as the duty of care for a teacher to a student. Justice Robins talks about that duty in the *Protecting Our Students* report. The common law said that teachers are expected to maintain a higher standard of conduct than other employees because they occupy such an extremely important position in society. It has been described by the courts, and in particular in the Myers case, which is considered the starting point from the Supreme Court of Canada on the duty of care of a teacher to a student, but rather everybody involved in the education profession is seen as having a standard of the "careful and prudent parent."

**The Acting Speaker:** I just wanted to remind everybody, but it's pertinent right now, that the conversation going on beside the speaker is being picked up. That's because the microphones are mechanically digitalized so that the member's microphone is on 100% and each of those around it is 25%, and it is picking up some of that conversation from the 25%. I hope that you're aware.

Thank you, and sorry to interrupt the member for St Paul's.

**Mr Bryant:** Thank you, Mr Speaker. The standard of care of the teacher is described as that of "a careful and prudent parent." That means that the definition of sexual abuse perhaps should be including misconduct which goes beyond that of the doctor-patient relationship—it includes part of it, it includes some of it, it amends it, the point being that there is some conduct, according to Justice Robins, that precedes the actual sexual abuse, and it's at that point that we need to capture the behaviour in law, forbid it, and have consequences thereto. There are ways in which those obviously very few and rare people who are in the education profession who engage in this conduct—there is behaviour preceding the sexual abuse which has got to be addressed and, as it reads right now, arguably is not addressed. We hope that will be addressed before committee.

I'll also say that the importance of screening not just teachers—and I mean by that public and private school teachers—but also volunteers and support staff, as Justice Robins says, is a tricky one. Volunteers are often spend-

ing a tremendous amount of time and have a tremendous amount of responsibility with respect to students under their care. In some cases, that's not the case. There needs to be some proportionality test to ensure that the volunteers are tested to the degree to which they have those responsibilities. As you get closer to a teacher, you expect the full screening of those volunteers and of that support staff.

Lastly, I want to add my voice to all those who are disappointed that this is very much a crackdown piece of legislation, without more, and that there is not enough here from the government in terms of its statements, announcements or the bill itself in terms of preventing. I don't think anybody who has put their mind to this issue thinks that responding and retribution are somehow preferable to prevention. Of course, we want to prevent this from happening rather than having to respond to it.

In that regard, education of prospective teachers; training for current teachers, volunteers and school board staff to be able to spot some of the behaviours that might precede abuse; education and training to students and parents along the same regard; and resources to conduct an adequate investigation; all of this is in the Robins report. I hope that the government will see fit to include these preventative measures as we move this into the second stage, past this debate and into committee.

**Mr Cordiano:** I am delighted to speak to this bill, albeit for a brief time. But I would from the outset like to say that I don't think there is more important a thing that we can undertake in this legislature than to protect our children against abuse of any kind. Sexual abuse must be the most horrific kind of abuse that children could be faced with. Certainly it is incumbent upon us in this chamber, in this Legislature, to protect our children. That has to be a priority for all of us. I am glad to see that the government has brought this bill forward.

I have two children, two daughters, and I drop them off at school just about every day. Like any other parent, I need to know that my children are safe from any kind of abuse or any other harm that might come their way. My wife is a teacher as well, and I know for a fact that the vast majority of the teaching profession is above and beyond reproach. But like in every other walk of life, there may some problems. That does not exclude, as I say, any profession whatsoever. This bill speaks to that and certainly is universally supported, and I'm glad to see that this is moving forward.

However, having said that—and we do support the bill—there are a few areas that concern us: number one is the exclusion of private schools. Again, it's inconceivable to me that this government would exclude those children from the protection offered by this bill. It's simply not acceptable. I would hope that the government would see fit to include private schools when this bill does go to committee for consideration.

Second, the bill does not cover non-teaching staff. They are not included in this bill. I think that is a serious omission. Again, there's an opportunity for the government to deal with this in committee. But because there's

all sorts of non-teaching staff—support staff, custodians, secretarial workers, audio-visual technicians, psychometricians—who all deal with the children, and some of them deal with the children directly, I think it's very important to include the non-teaching staff in the bill.

Finally, we need to ensure that there are adequate resources committed to prevention and to the implementation of Bill 101: for training of students, teachers and parents; to conduct adequate investigations into allegations that lead to further investigations—these need to be adequately dealt with; as well, deal with the litigation that extends from false allegations. These are very concrete proposals and considerations that must be dealt with. I think they should be dealt with at committee. This government would be wise to agree with reviewing some of these matters at committee, because it would extend the bill beyond what has been contemplated in Bill 101, and I think that's very important.

1720

There was a discussion—my time is limited but I want to touch on this—an argument between the whole debate around sexual abuse as defined in the bill. It is clearly defined in the bill. However, there is the question of sexual abuse versus sexual misconduct, and the fact that sexual misconduct, in that definition, might broaden out the consideration for other types of harassment to be included within the definition of this bill. "Sexual abuse" is probably too narrow a definition, and that is of some concern.

I think there is ample opportunity to deal with these matters before committee, and I hope these matters will be taken into consideration very seriously by the government.

**Mr George Smitherman (Toronto Centre-Rosedale):** It's my pleasure to have an opportunity to join this debate on this important bill before us and to follow, in the words of my colleagues the member from St Paul's and the member from York South-Weston—as I offer that compliment, one of them leaves.

I might also just take a few seconds to draw to our attention a distinguished visitor in the members' gallery, a good friend of mine, Rick Churchill, who joins us from Windsor, Ontario.

This is an important bill, a bill which, as a result of its importance, gains support from, I think, all parties represented in this House. I would join in the call others have made here today to ensure that with that unanimity of opinion, at least with that support for the important principles contained in this bill, we have an opportunity, as opposition parties and as government members, to take a harder look at it, and that with the expertise that's available to us from the outside, we make sure this bill does the best job possible to offer the surest and broadest protection for Ontario's children.

We believe this bill can be improved upon and that some time before committee will allow us the opportunity to do just that. I would echo the call that's been made here and implore the government to take an oppor-

tunity to make what is a good bill—a bill with good intentions, at least—an even better bill in reality.

When we think about extending that protection as broadly as we can to children, one cannot help but notice that this bill in a sense helps to highlight the inadequacies of the government's policies in education more broadly. What we're dealing with here is the protection of children in an educational environment. We have this bill coming from a government that in the earlier part of this year, in an unprecedented and, I might say for the government that likes to make its claim about "only doing what we said we would do," in a surprise manoeuvre, motivated I think by public opinion polls in key Tory ridings perhaps, brought forward an idea in the budget that would have the net effect of offering an incentive to parents to take their kids out of the public education system and put them into private and religious schools. In doing so, those parents, in a sense, are being asked to take their children from a setting where this bill would offer them enhanced protections against sexual predators that might be among staff to an environment where no such protection exists. That's a major failing of this bill. It underscores a major inadequacy in the government's thinking.

We often see, in response to a variety of public concerns, a rush to politicians where much is asked in terms of offering enhanced protection. In this case, we have an important work by an esteemed justice who brought forward a report that leads us to this legislation. But where is the protection for those children in private and religious school settings? There is none in this bill, and I highlight that as the most major inadequacy. That's why we speak to the need, and we'll reinforce it continually through this debate, to ensure that we have the opportunity to enforce these standards for all citizens.

It is a wrong approach as a government to have support provided from the one taxpayer we know exists to the public school system and then to the private and religious, but to offer a different educational standard in one.

This government is one that champions the word "accountability," at least theoretically or rhetorically. But in practice, where we have an opportunity to demonstrate the extent to which accountability actually matters to them, they offer us a bill, they offer a bill to the parents and to the children in Ontario that offers an inadequate level of protection for those children who are getting their schooling in a private or a religious school setting.

Perhaps you could say that it's scaremongering to look and say the cup is half empty rather than half full, but anyone who has spent any time lately looking at this issue would know that private school settings have been a place where teachers, as an example, that have been accused of this very kind of action have sought teaching opportunities, having previously taught in a public school setting. It strikes me that this government's approach offers one level of protection in the public system and then for those schools which are now the beneficiary of up to \$500 million a year of government money, no pro-



tection. I challenge the government members who have spoken on this and who will follow up on the comments of me and my colleagues to address that very specific point.

Again, we need to build, it seems to me, on the fact that as members of this Legislature we have a bill before us which has the support of three political parties. So the criticisms that we offer ought to be viewed as objective criticism, constructive criticism. I would encourage members, some of whom are with us today and who have an opportunity to influence their government, to make sure that we're offering up the committee time that will allow us to make improvements to this bill so that this two-tier system, this one level of protection for those in the public system and another for those in private and religious settings, is addressed.

We find ourselves in a situation where we're going to vote for this bill, but we're going to vote for this bill knowing that it's an imperfect creature as it stands now. I'll be expecting in the next few minutes, through the course of this debate this afternoon and as it's picked up next week, to hear from government members very specifically on this policy, particularly from those government members who stood in their place and supported the government's initiative to offer funding to private and religious schools. Why do they support an initiative today in a bill that does not provide the same level of protection for the children and the parents of children who have chosen that path? That's the question we'd like to have answered.

#### **The Acting Speaker:** Comments and questions?

**Mr Bisson:** I thought there were a couple of interesting points raised in the comments made by the previous members. One of the comments is how the government is accelerating or making worse the condition possibly by increasing the amount of money available to private schools by way of the tax credit. I thought that was an excellent point—and I think the member is right when he says it—because by doing that you're going to be making it easier for parents to put their children into private schools; therefore, the numbers should be increasing in the private system. But at the time that we're doing that, we're not trying to figure out, by way of this legislation, any kind of mechanism that basically subjects the teachers in the private system to the same rigours that we're going to put in place in the public system.

So it comes back to this point: why is the government doing this? Why are they picking just on teachers in the public system? I believe it's scapegoating. Really, this government has worn as a badge of honour for the last number of years to attack teachers at every opportunity. It has been in almost every session of the Legislature—I would argue it actually has been—since 1995 that we have had a piece of legislation in this House that attacks teachers in one way or another. I say shame on the government.

I think it's a good thing that we're trying to find a way to protect our children, and I commend the government

for bringing that idea forward and finding a mechanism by which to punish those people who are accused and found guilty of molesting children in the school system. But to just go in and say, "We're only going to do it to teachers," and then come back and say, "We're only going to do it to the public teachers, who happen to be unionized"—I say to myself, is there really an agenda here that the government is trying to follow? I conclude that the government is doing this for the political points and is really not trying to get at the base issue.

I repeat the call that we've been making in the New Democratic Party. We need to find a mechanism that encompasses all the teachers in the system, either private or public, licensed or unlicensed.

1730

**Mr John O'Toole (Durham):** I am pleased to respond to the discussion today on Bill 101. I want to start by first recognizing that this is in response to incidents, more specifically, to the Justice Robins report. I think the government is taking the right steps to ensure the safety of our children in our public schools.

I listened intently to the members for St Paul's and York South-Weston, and I do agree there are some points to be established there. There are others among us whom I may disagree with, but the intention, the common support here is that all members, if I could be so liberal—or if that's the wrong term, gliberal—I would think that this will probably pass this with the intent of it going to committee.

It's also clear that the Child and Family Services Act obligates teachers and other professions who work with children to report a child who is or may be in need of protection directly to the children's aid society.

One of the important sections is in part III, the amendments to the Ontario College of Teachers Act, 1996. If I could, for the members and those who may be viewing, read that section, it's quite important to recognize that.

"Reporting sexual abuse

"Despite any regulation made under subsection (1), a member who makes an adverse report about another member"—in this case the member is a teacher—"respecting suspected sexual abuse of a student by that other member need not provide him or her with a copy of the report or with any information about the report."

So it includes the protection of the professional who is doing their job and reporting their advice on sexual abuse.

The bill also goes on to define sexual abuse beyond the obvious relationship. It says "touching, of a sexual nature, of the student" and "behaviour or remarks of a sexual nature by the member towards the student." So the intent here is to protect the students who are charged in the responsibility of the teacher and to make sure that their protection is foremost.

**Mr Gerry Phillips (Scarborough-Agincourt):** I am pleased to comment on my colleagues' remarks. I want to particularly focus on the member for Toronto Centre-Rosedale, who correctly points out that this bill does not provide our students in private schools with any pro-

tection. I think that reinforces a concern we've had for some time, that the government has decided to embark on a program of \$500 million of public funds going to private schools.

We are in a very tough financial position right now. The Premier today said we're in a recession, and the Minister of Finance said we are not. The public's confidence in the government has to be shaken somewhat when the Premier and the Minister of Finance can't get their stories straight. Exacerbating the problem will be that in less than three months, private schools will begin to get \$100 million of public funds. But we see in this bill no protection for students in private schools.

This once again points out the problems: removing substantial amounts of public money from our public schools to private schools and embarking on a program to expand our private schools, and yet we have legislation here that completely excludes the students of those schools from the protections that we think are so essential for our students. It makes no sense.

**Mr Michael Prue (Beaches-East York):** I hope in the long course of this afternoon that the government members have listened. There has been some very sage advice from this side of the House. When this goes to committee, as it should go to committee, then I hope the advice that you have heard will be listened to.

The laws and the protections of those laws should be equal for all persons, especially for those who are abused, as should the punishment. The punishment cannot be unequal between various peoples or else there will be constitutional challenges and there will be people who will stand up and say, "This would not have happened had I been in that system." We cannot allow that to happen. We must make sure there is one law for all people, especially one law for all abusers.

We cannot hide ourselves in thinking that the abuse might only happen in the public school system. Certainly those who have followed the newspapers over the last number of years will know that the abuse is not as widespread in the public school system as it may be in private and religious schools. One need only remember the Mount Cashels, one need only remember the Indian reserves and the church-based schools on those reserves and the horrific things that happened not to one student but literally to hundreds of students, to know that the law must be expanded.

I hope you have heard that kind of argument from this side of the House, that you will bear that in mind when this comes to clause-by-clause and that you will make the necessary changes to make this a piece of legislation that will protect everyone in this province, no matter where they live, no matter what school they go to, no matter what their race or creed is.

**The Acting Speaker:** The member for Toronto Centre-Spadina has two minutes to respond.

**Mr Smitherman:** I'd like to thank the members from Timmins-James Bay and Beaches-East York, my colleague from Scarborough-Agincourt, and especially the

member from Durham for their responses and their comments to the presentation that we made.

But leave it to the member for Durham, unable to get off the two-minute script provided by the government on this issue, to leave unanswered the important questions that we asked. He was more engaged, frankly, in hectoring the member for Scarborough-Agincourt, who asks what I think is the question of the afternoon, and that is, why is it that the children who will go to private and religious schools are to be treated, in a sense, as second-class citizens by this government and offered unequal treatment, unequal security, as this bill does?

Yes, it will go to committee, we hear. But we don't hear from the member, speaking as a representative of the government, or any one of the esteemed members of the cabinet who is before us, why it seems all right in Ontario to offer up unequal treatment and unequal security to children who will go to private and religious schools. I think that's the central question that we'll be looking forward to as the next government member gets to his or her feet.

We have a government across the way that likes to talk a lot about accountability. I look forward to the day, if they refuse to amend this bill and make it a fair and equitable bill for all children, I look forward to the circumstances—I don't look forward to the circumstances, but I think it's possible that we will see the circumstances whereby parents force this government, over time, to bring in a bill that brings fairness and equality on the issue of treatment to all children, instead of seeing these distinctions between the public and the private. That's what we demand.

**The Acting Speaker:** Further debate?

**Hon R. Gary Stewart (Minister without Portfolio):** It is indeed my pleasure to be able to stand in this House and have the opportunity to speak on the second reading of Bill 101, the Student Protection Act.

I want to read the entire title of this bill, because I believe it says it all. Bill 101 is An Act to protect students from sexual abuse and to otherwise provide for the protection of students. If that doesn't say what this bill is all about, I don't know what it does. I also suggest to you that this bill is long overdue.

When I listened to a member in this House who just recently spoke, I have a great deal of difficulty with the opposition's not supporting this type of legislation. I believe it suggests that maybe these people do not want protection of our students.

I'm also going to speak as a grandfather, and I probably am one of the few in this House. But I'm very fortunate in having four grandsons and four granddaughters, ranging from the age of 17 down to twins of 14 months. I can tell you this: I would be appalled if anybody would not support this bill to protect other children and indeed protect my grandchildren. I think it is absolutely terrible if this bill does not go through, and go through extremely quickly.

1740

Two years ago, this government appointed retired justice Sydney Robins to review the issue of sexual abuse



of students by teachers in our Ontario schools. The review was prompted by the 1996 criminal conviction of a Sault Ste Marie teacher for sexually assaulting 13 students over a period of 21 years. The government asked Justice Robins not only to look at the circumstances surrounding that particular case but also to recommend protocols, policies and procedures to prevent sexual assault, harassment and violence in schools.

Justice Robins, as has been mentioned in this House, tabled his report in April 2000. It's a comprehensive report, with 101 recommendations that are directed at the provincial ministries, school boards and the Ontario College of Teachers and the judiciary. I believe that we are all part and have to be part of the process to solve the problem of sexual abuse and other things in the schools, and I believe that all members in this House should be supporting it.

There are several important themes that are addressed in Justice Robins's recommendations that I would like to highlight:

- the need for a much clearer procedure at both the school board and regulatory levels for dealing with cases of sexual misconduct by teachers;

- the need for improvement in communication and reporting protocols;

- changes to processes and procedures at the school board and school level in hiring, screening and reporting—and why not? We do it in any other venue; why would we not make sure that there are indeed good processes, good procedures at the school board level, at the school level and in the hiring and screening, as I have mentioned;

- necessary changes in legislation to provide clear direction to the education system on how to deal with sexual misconduct by teachers; and

- a clear definition of sexual abuse in the school context.

The legislation we are considering today is one more step in our government's continuing efforts to respond to the Robins recommendations. It is our government that created the Ontario College of Teachers as a regulatory body for the teaching profession. We included in its mandate responsibilities to establish and enforce professional standards of conduct for its members and to implement disciplinary procedures.

In the spring of 2000 we introduced the provincial code of conduct and passed the Safe Schools Act to set clear and consistent standards of behaviour for students, staff and teachers in Ontario schools, and consequences for students who choose to put at risk the safety of themselves or others in schools. As recently as last Friday, I had a couple of students in my office in Peterborough and we talked about the code of conduct. It was unfortunate to have to put it in, but it seems that it is necessary, and increasingly more necessary in the last number of years. I always make a comment that the previous government, the NDP government, took spirituality and prayer out of schools, I think it was maybe on a Tuesday, and on Wednesday we put the police in. I don't like that

picture and I know a whole lot of people in this province don't like that picture very well either.

The new elementary curriculum introduces students in an age-appropriate way to such personal safety issues as sexual harassment, child abuse and violence in relationships. Work is in progress to require criminal background checks for everyone teaching or working in Ontario schools who has regular contact with children. And why not? Why would we not put those kinds of requirements in our schools? The government is working toward implementing this requirement later this fall.

The Ministry of Education, through its school-based services program, is providing funding of approximately \$1.3 million each year to support the education of both students and teachers on violence against women, including sexual harassment.

The ministry's violence-free schools policy supports the efforts of school boards to develop the skills to recognize the warning signs of physical, sexual and mental abuse and to take the right action when it sees those signs.

Finally, the government has made a commitment to establish an ongoing \$5-million fund to help teachers identify when children, especially in the primary years, may be at risk of neglect or physical or emotional harm.

These are a few of the steps taken by our government to develop and support school environments that are safe, respectful and free from violence.

The point of mentioning them in the context of the Student Protection Act, 2001, is that a safe school environment is the first step toward keeping children safe from sexual abuse, along with—I often make the comment—morals, ethics and spirituality, which are all part of making sure that this type of violence does not continue and does not exist in the school system.

Policies to identify and prevent sexual abuse and harassment in schools will be more effective if they are built on a foundation of respect and understanding, fundamentals that have been around for a long time, which I believe in some cases may have to be reintroduced. That is the kind of school environment we have been trying to build through the many safe school initiatives this government has launched since 1995—long overdue.

In the remaining time I have today, I would like to focus specifically on the details of the changes proposed by Bill 101. The first point to note is that we are dealing with amendments to three separate acts: the Education Act, the Ontario College of Teachers Act and the Teaching Profession Act.

Bill 101 proposes only one amendment to the Education Act, but it is a very important one. Paragraph 12.1 of subsection 170(1) of the act currently requires school boards to notify the ministry if a teacher they employ has been convicted of a Criminal Code offence involving sexual conduct and minors or any other offence that, in the opinion of the board, indicates that pupils are at risk.

I remember back a couple of years ago being told that if there was the thought of sexual abuse or harassment

and it was deemed to have been committed by the teacher or whoever it might be, they would leave the school and the boards could not pass that information on, or indeed teachers would not pass it on about fellow teachers. That is a deplorable situation that puts at risk every student in our system. It should not be tolerated, so I'm extremely pleased that is one of the sections that is going to be changed.

Bill 101 proposes that boards be required to remove teachers from class and from contact with pupils if they have been charged with or convicted of a Criminal Code offence involving sexual conduct and minors, or any other Criminal Code offence that might put pupils at risk.

1750

In my opinion, this proposed change makes sense for two good reasons. I'd also like to say for seven good reasons, and those seven reasons are my grandkids. First, it places the priority where it should be, with getting the teacher out of the classroom and away from contact with those students. As Justice Robins pointed out in his report, that is the critical first step in preventing additional abuse from occurring.

Second, since the Ontario College of Teachers, and not the minister, is responsible for discipline within the teaching profession, it is far more important that the college be advised of the removal of a teacher. That is precisely what is required by the changes that Bill 101 proposes to make to the Ontario College of Teachers Act.

The second important change I would like to address is a proposal for legislative definition of "sexual abuse." As Justice Robins and many others have pointed out, at the present time neither the Ontario College of Teachers Act nor the Teaching Profession Act contains an explicit definition of sexual abuse. In addition, in the opinion of many education partners consulted by Justice Robins, and in his view as well, the existing Criminal Code definition was not sufficiently broad for the educational environment.

The Student Protection Act, 2001, proposes to address these issues in three ways. First, a broader definition is proposed that would include sexual harassment as well as sexual abuse. Second, Bill 101 proposes to give this new definition a legislative base—most necessary—by adding it to both the Ontario College of Teachers Act and the Teaching Profession Act. Third, Bill 101 proposes to expressly set out that professional misconduct includes sexual abuse of a student by a member of the Ontario College of Teachers.

The third set of changes I would like to highlight relates to proposed requirements for reporting on sexual abuse by teachers. This includes the creation of appropriate information sharing protocols between employers of certified teachers and their regulatory body, the Ontario College of Teachers.

Before I address these proposals specifically, I would like to take a moment to address the importance of information sharing in the identification and prevention of sexual abuse in schools. This issue formed a critical part of Justice Robins's report. There was a comment that

I made a little bit ago regarding not sharing information, which I believe is intolerable.

In reviewing the details of the unfortunate situation in Sault Ste Marie—and instead of using the word "unfortunate," I think we should be using the word "terrible"—Justice Robins found that the victims in the case faced the following responses: "Reluctance on the part of teachers to report suspected sexual misconduct by a colleague, intimidation of victims and their parents to prevent or discourage disclosure, failure to act upon disclosure of misconduct, the inadequacy of records documenting complaints made, the transfer of a suspected perpetrator from school to school, the absence of screening procedures on the hiring of new teachers have all been seen, to varying degrees, in both" this "case and in numerous other cases and in the literature documenting sexual misconduct in schools."

That is a very chilling list of failures, but if the appropriate officials had faced more explicit reporting requirements, they did not need to occur. In fact, it is difficult to identify one of those failures that would not have been prevented with reciprocal reporting requirements designed to keep all parties aware of any activity that might pose a threat to students. We have been remiss for many years in not identifying this issue and letting this issue proceed. It is terrible that we have allowed that to happen.

The improved reporting requirements proposed by Bill 101 are focused on the Ontario College of Teachers. The act currently contains some reporting requirements, but they are not nearly as extensive as what is being proposed. Those reporting requirements have got to be put into legislation.

School boards are currently required to advise the college if a member employed by them is convicted of a Criminal Code offence involving sexual conduct and minors or an offence that indicates students may be at risk of harm or injury. There is also a more general requirement for boards to notify the college if, in their opinion, the conduct or actions of a current or former employee should be reviewed by the college.

Let me identify the key proposals made by Bill 101 to improve the reporting requirements related to sexual misconduct by teachers.

Employers who terminate a member of the college or impose restrictions on a member's duties would be required to fill out a written report to the registrar of the college within 30 days. This requirement would also apply if the employer had intended to take those actions but did not because the member resigned. In both cases the registrar would be required to report back to the employer on any action taken in response to the employer's report.

Employers would also be required to report to the college when they become aware that a current or former member has been charged with or convicted of an offence under the Criminal Code involving sexual conduct and minors; has been charged with or convicted of a Criminal Code offence that, in the opinion of the



employer, indicates that students might be at risk of harm or injury; or has engaged in any conduct that, in the opinion of the employer, should be reviewed by the college.

Employers who have reported to the college regarding members' charges or convictions are also required, if they become aware, to advise the college if a charge is withdrawn, the member was discharged after a preliminary hearing, the charge was stayed or the member was acquitted.

The college is required to provide employers with information on a variety of decisions and orders.

**Mr Smitherman:** Strong finish.

**Hon Mr Stewart:** It may not be of interest to you, the member of the opposition, but I said at the start that this was pretty important legislation. If you don't believe it, then I would highly suggest you leave the chamber,

because I believe that our government wishes to protect students in this province.

**Mr Bisson:** On a point of order, Mr Speaker—

**The Acting Speaker:** I'll get that in just a moment. I just wanted to say that Sunday at dusk is the official end of agriculture week. Dusk is when the top of the sun is five degrees below the horizon. Monday is Thanksgiving.

The member for Timmins-James Bay had a point of order?

**Mr Bisson:** It's a very important point of order, Mr Speaker. I would like to wish you and everybody in this Legislature a happy Thanksgiving weekend.

**The Acting Speaker:** Thank you very much. It being 6 o'clock, this House stands adjourned until 1:30 o'clock Tuesday next.

*The House adjourned at 1759.*

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Beaches-East York	Prue, Michael (ND)	Hastings-Frontenac-	Dombrowsky, Leona (L)
Bramalea-Gore-Malton-	Gill, Raminder (PC)	Lennox and Addington	
Springdale		Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister without Portfolio (Health and Long-Term Care) / ministre sans portefeuille (Santé et Soins de longue durée)
Brampton Centre / -Centre	Spina, Joseph (PC)		
Brampton West-Mississauga /	<b>Clement, Hon / L'hon Tony</b> (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton-Ouest-Mississauga	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée		
Brant	Levac, Dave (L)	Kingston and the Islands /	Gerretsen, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston et les îles	
Burlington	<b>Jackson, Hon / L'hon Cameron</b> (PC)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
	Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC)
Cambridge	Martiniuk, Gerry (PC)		Minister of the Environment / ministre de l'Environnement
Chatham-Kent Essex	Hoy, Pat (L)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Davenport	Ruprecht, Tony (L)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC)
Don Valley East / -Est	Caplan, David (L)		Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
	Solicitor General / solliciteur général		
Dufferin-Peel-	Tilson, David (PC)	London North Centre /	<b>Cunningham, Hon / L'hon Dianne</b> (PC)
Wellington-Grey		London-Centre-Nord	Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Durham	O'Toole, John R. (PC)		Wood, Bob (PC)
Eglinton-Lawrence	Colle, Mike (L)	London West / -Ouest	Mazzilli, Frank (PC)
Elgin-Middlesex-London	Peters, Steve (L)	London-Fanshawe	<b>Tsubouchi, Hon / L'hon David H.</b> (PC)
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC)	Markham	Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement
	Minister of Tourism, Culture and Recreation / ministre du Tourisme, de la Culture et des Loisirs		
Essex	Crozier, Bruce (L)	Mississauga Centre / -Centre	<b>Sampson, Hon / L'hon Rob</b> (PC)
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC)		Minister of Correctional Services / ministre des Services correctionnels
	Minister of Labour / ministre du Travail	Mississauga East / -Est	DeFaria, Carl (PC)
Etobicoke North / -Nord	Hastings, John (PC)	Mississauga South / -Sud	Marland, Margaret (PC)
Etobicoke-Lakeshore	Kells, Morley (PC)	Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		Minister of Natural Resources / ministre des Richesses naturelles
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC)		
	Minister of Intergovernmental Affairs / ministre des Affaires intergouvernementales		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC)		
	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	<b>Baird, Hon / L'hon John R. (PC)</b> Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué au dossier de l'Enfance, ministre délégué aux Affaires francophones	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan (PC)</b> Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D. (PC)</b> Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim (PC)</b> Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	Klees, Frank (PC)	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary (PC)</b> Speaker / Président	Stoney Creek	<b>Clark, Hon / L'hon Brad (PC)</b> Minister of Transportation / ministre des Transports
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian (PC)</b> Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Thornhill	Molinari, Tina R. (PC)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timiskaming-Cochrane	Ramsay, David (L)
Oxford	Hardeman, Ernie (PC)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parry Sound-Muskoka	Miller, Norm (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	<b>Stewart, Hon / L'hon R. Gary (PC)</b> Minister without Portfolio, chief government whip, deputy government House leader / ministre sans portefeuille, whip en chef du gouvernement, leader parlementaire adjoint	Vaughan-King-Aurora	Sorbara, Greg (L)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet (PC)</b> Minister of Education, government House leader / ministre de l'Éducation, leader parlementaire du gouvernement	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim (PC)</b> Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Willowdale	<b>Young, Hon / L'hon David (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sault Ste Marie	Martin, Tony (ND)	Windsor-St Clair	Duncan, Dwight (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	York Centre / -Centre	Kwinter, Monte (L)
Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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## Legislative Assembly of Ontario

Second Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 9 October 2001

Mardi 9 octobre 2001



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 9 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 9 octobre 2001

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### EMPLOYMENT STANDARDS

**Mr Dave Levac (Brant):** I rise today to address a problem that has come to my attention regarding the Conservative government's hastily passed Employment Standards Act. It appears that in the rush to pass this sweeping labour legislation, the government has created several problems that are adversely affecting Ontario's working families.

One such person, Mr Don Guest, is in my riding. Don works 12-hour shifts in continuous operations and has no choice but to work on public holidays. Recent changes to the Employment Standards Act allow for a formula to calculate public holiday pay. Public holiday pay now amounts to 8.4 hours' pay, which is hours worked over a four-week period divided by 20. A business can choose to pay overtime for the day and substitute another working day off, but is only required to pay 8.4 hours of pay for holiday pay, a loss of 3.6 hours of holiday pay for the employee working a 12-hour shift. A business can choose to pay overtime and public holiday pay of 8.4 hours and not give the alternative day off, again a loss of 3.6 hours of holiday pay for the employee.

The problem is that the employee who works eight hours a day, 40 hours a week, receives full holiday pay, while a person who works 12-hour days with mandatory overtime receives less than full holiday pay under the new Employment Standards Act.

I call on the minister to investigate this problem and correct it. Employees like my constituent Don Guest, working to meet production requirements for the type of work that keeps Ontario's economy booming, should not be punished economically for doing so because of your flawed legislation.

#### CANADIAN FORCES

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** At this time, Canadian sailors are heading into harm's way to help defend all of us who value freedom from those who practise terrorism.

Canada is not a neutral country. Canada was a warrior nation long before it became a peacekeeping nation. I'm

glad to see that we are at last lining up alongside our friends like Britain and the United States who believe in free speech, religious freedom and the rule of law.

I want to salute the fighting men and women aboard HMCS Halifax, who are already on their way to join the multinational force in the Arabian Sea. The Halifax is the lead unit of a six-ship Canadian contingent to provide protection and logistical support to our allies. As well, they are tangible, concrete evidence of our commitment to the struggle against terror.

I call on the federal government in this time of crisis to stop neglecting our fighting forces. Canadians are in a generous mood. We will forgive past mistakes if the Liberals in Ottawa will begin funding the equipment, the recruits and the training dollars to let us carry our share of the load.

Canada's troops are second to none. Let us give them the tools they need to do their jobs. I urge all Canadians to give our sailors the support they deserve.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr David Ramsay (Timiskaming-Cochrane):** This Thursday the Legislative Assembly committee will consider the Ombudsman's report on health travel for cancer patients in Ontario. As members will know and remember, northern Ontarians became very incensed by the inequitable treatment of the Harris government between the two very differently funded health travel programs when cancer patients in southern Ontario needed to be sent to northern Ontario for treatment of prostate and breast cancer. Northerners claimed this to be discriminatory and the Ombudsman in his report also agreed.

The government has done nothing to bring fairness to the northern health travel grant since this opinion has been made and we've yet to see the Ministry of Health's report that was dated August 2000, entitled Patient Travel Assistance Programs in Ontario. Why has this report not been tabled? Northern Ontarians and all Ontarians need to see this report. Why has the Harris government not yet brought equity to the various programs that they have established for southern Ontario cancer patients versus those in northern Ontario?

For years northern Ontarians, thousands of them, have paid thousands of dollars to obtain the health services they require. To see the government bring in a fully paid program for southern Ontario patients, as they did 18 months ago, while paying only one-way mileage for



northern Ontarians is not only galling, it's insulting. And it is discriminatory.

It's time the Harris government brought some equity to the programs in northern Ontario so that we would be treated fairly and that we'd have a northern health travel grant program that treats all Ontarians fairly. Northern Ontarians should have good and affordable access to the health care treatment that they require and that they deserve. We have greater distances to travel. We have lower incomes and greater costs. It is time the Harris government made those important changes.

#### D&D AUTOMATION

**Mr Bert Johnson (Perth-Middlesex):** I rise in the Legislature today to recognize a company in my riding. D&D Automation, located in Stratford, was established in 1992. They design and provide industrial automation systems and training. Over the past few years D&D Automation has grown rapidly and has watched its client base extend throughout North and South America. The company recently moved into a larger facility in Stratford to accommodate the additional employees it has hired and to showcase its knowledge and expertise.

D&D Automation places a great deal of importance and value on their employees. The company's owners attribute much of their success to the dedication and loyalty of their highly skilled employees, many of whom are graduates of Ontario's colleges.

D&D Automation is also interested in rural economic development initiatives. They are part of the Huron Perth Development Alliance, which is a group of 27 local companies and municipalities that have come together to help young people in my riding find good jobs close to home. Several months ago, this alliance received funding from our government's rural youth job strategy fund to help the alliance create employment opportunities.

I want to congratulate the owners of D&D Automation—Mike McCourt, Doug Biesinger and Jeff Smith—and their 40 employees for their success and for meeting the needs of companies in this fast-changing and technologically advanced world.

#### EMERY ADULT LEARNING CENTRE

**Mr Mario Sergio (York West):** The Emery Adult Learning Centre is facing potential closure in June of next year. As the member for York West, I have been proud to be closely associated with the Emery Adult Learning Centre community and can attest to its excellent and vital role in the northwest quadrant of the city of Toronto.

The Emery Adult Learning Centre is a unique secondary school designed to help adult students get an education, prepare for post-secondary education and training and improve technical skills and get on with their lives in the workplace. Cuts to adult education at Emery will hurt people striving to improve their lives. From an initial enrolment of just under 400 students two years

ago, well over 1,100 students are currently attending as adult students.

Since 1996, Premier, we members of the opposition have continually raised the issue of erosion of funding levels for adult education. Ultimately, if Emery Adult Learning Centre should close, it will be because of your cuts and your complete disregard of the needs of our adult students. It would be a shame, Premier. Programs such as the Emery Adult Learning Centre improve people's quality of life, help them get off welfare, offer students better job prospects and teach the skills necessary to make a positive contribution to our society. I would only hope that you understand what we are talking about.

1340

#### FIREFIGHTERS

**Mr Peter Kormos (Niagara Centre):** It's with great pride that I rise this week to speak once again about Ontario's firefighters, in this instance, firefighters from Niagara region. A team of them left this past weekend for New York City at the request of New York City officials. Members of the Critical Incident Stress Management team for Niagara, formed in 1999, are trained to assist other firefighters in responding to tragic incidents. These are firefighters from Niagara, as courageous as any could be, going there, assisting their sister and brother firefighters in New York City.

You will want to know that among that group are Rick Honsberger of Thorold; you've heard of him before. As well, we've got Dan O'Hearn and Barry Norton of St Catharines, Bruce Green of Niagara Falls and Sandy MacIntyre of Port Colborne. Captain Arnold Mackler and Bob Freeman are accompanying the eight others, as well as a long-time friend of firefighters and people across Niagara region, Reverend Doug Aikman, who's the chaplain for the firefighters and a pastor, a preacher, a reverend in Niagara region who has been a source of great strength for people in emergency services, including firefighters as well as numerous families. I praise these people, I salute them and I tell them that their concern and commitment is appreciated by all.

#### CHINESE FREEMASONS

**Mr Bob Wood (London West):** I rise today to report that the 32nd National Convention of Chinese Freemasons in Canada is being held in London between October 7 and 11, 2001. There are delegates from across Canada participating as well as representatives from the China Zhi Gong Party, the political party of the Freemasons in China. They are led by Mr Wang Sougda, deputy leader of the party and a member of the standing committee of the Chinese National People's Congress.

The London branch of the Chinese Freemasons is also celebrating their 81st anniversary and the 20th anniversary of the Dart Coon Club, which was incorporated to hold the properties of the Chinese Freemasons.

The spirit, traditions and values of the Chinese Freemasons are constant. Their goals are to support their motherland, to participate in social services in their adopted country and to assist Chinese communities in Canada. The biggest challenge facing the national convention is how to promote these values in the 21st century.

The opening ceremony was held on Sunday, October 7, followed by a parade from the London Convention Centre to the Covent Garden Market Square, where lion dances were performed. That evening, about 250 delegates, members and guests attended a banquet. Mrs Sun Shuxian, the Consul General of the People's Republic of China in Toronto, and other dignitaries were in attendance.

I'd like to take this opportunity to welcome the delegates and invited dignitaries to the great city of London and to express our best wishes for a very fruitful and successful convention. I know all members of this House will join with me in wishing the Chinese Freemasons a very successful 32nd national convention in London.

#### CANADIAN FORCES

**Mr Michael Bryant (St Paul's):** I'm sure I join all my colleagues in the House today in paying tribute to the men and women of the Canadian Armed Forces. Over the Thanksgiving weekend, they received their mission: Operation Apollo, Canada's largest and latest contribution to the international fight against terrorism.

To the more than 2,000 families who have loved ones called to action, we offer our support and our prayers. We know that many of you had your Thanksgiving dinner interrupted with the call to action. You may not know where your soldier is are going, how long they are going to be there or what they're going to do once they get there. What we do know is that Canada's commitment to the overall campaign has been described as an integral component and has received praise from the US President and the Secretary-General to NATO.

The mission is called Operation Apollo. Apollo is the god, they say, that strikes from afar. To those men and women who will be voyaging to the Persian Gulf, our Canadian Apollos, and to those who stand on guard for us here at home, we offer our humble gratitude. We are awestruck at your bravery and commitment to country. Understand, please, that there are a thousand watts of prayers and thoughts emanating from every seat in this House and every corner of this land. Good luck and God speed.

#### VISITORS

**Mr George Smitherman (Toronto Centre-Rosedale):** I'd like all members in the House to join with me in welcoming a group from Morse public school who are with us in the gallery with their teacher, Ryan Ward. This grade 5 and 6 group is representative of the entire student

body which recently raised \$359.48 for the Canadian Red Cross USA appeal. It's my honour to welcome them here today.

#### CANADIAN FORCES

**Mr Bart Maves (Niagara Falls):** I would also like to extend my best wishes and prayers to those men and women of the Canadian Armed Forces who are headed overseas.

As we know, many other men and women in the history of Canada have gone into battle for this country. This year, in celebration of a place that many of those men and women hold dear, the Royal Canadian Legion Branch 51 celebrated their 75th anniversary. A dinner dance with special presentations was held on Saturday, September 15, 2001. The program commenced with the Rev Donald Glennie providing a blessing and two minutes of silence for the victims and their families of the September 11, 2001, US terrorist attacks. Retired Brigadier General Kevin Troughton gave an informative speech on the peacekeeping medal and then presented it to Mr Robert Juteau. Other awardees included both Henry Grant and Jack Morrison who received 50-year legion membership awards. Past executive members were presented with past officer medals and bars.

I'm very proud to say that my own Uncle Ike, Mr Reginald Maves, received the 60-year legion membership award. While my Uncle Bart and my father attended the dinner, our whole family is very proud of Uncle Ike and all of his accomplishments. Closing ceremonies at the dinner were followed by live entertainment and dancing.

I stand in the House today to offer my congratulations to Branch 51 on their 75th anniversary and to all of the award recipients. Best wishes for the many years ahead.

#### MOTIONS

#### HOUSE SITTINGS

**Hon Janet Ecker (Minister of Education, Government House Leader):** I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Tuesday, October 9, and Wednesday, October 10, 2001, for the purpose of considering government business.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1348 to 1353.*

**The Speaker:** All those in favour of the motion will please rise one at a time and be recognized by the Clerk.



**Ayes**

Agostino, Dominic	Galt, Doug	Newman, Dan
Amott, Ted	Gerretsen, John	O'Toole, John
Baird, John R.	Gilchrist, Steve	Ouellette, Jerry J.
Barrett, Toby	Gill, Raminder	Parsons, Ernie
Bartolucci, Rick	Gravelle, Michael	Patten, Richard
Bountrogianni, Marie	Guzzo, Garry J.	Peters, Steve
Boyer, Claudette	Harris, Michael D.	Phillips, Gerry
Bradley, James J.	Hastings, John	Pupatello, Sandra
Bryant, Michael	Hodgson, Chris	Ramsay, David
Christopherson, David	Hoy, Pat	Runciman, Robert W.
Clement, Tony	Hudak, Tim	Ruprecht, Tony
Coburn, Brian	Jackson, Cameron	Sampson, Rob
Colle, Mike	Johns, Helen	Sergio, Mario
Conway, Sean G.	Johnson, Bert	Smitherman, George
Cordiano, Joseph	Klees, Frank	Sorbara, Greg
Crozier, Bruce	Kwinter, Monte	Spina, Joseph
Cunningham, Dianne	Lalonde, Jean-Marc	Sterling, Norman W.
Curling, Alvin	Levac, David	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Di Cocco, Caroline	Maves, Bart	Tascona, Joseph N.
Dombrowsky, Leona	Mazzilli, Frank	Tilson, David
Duncan, Dwight	McLeod, Lyn	Tsubouchi, David H.
Dunlop, Garfield	McMeekin, Ted	Turnbull, David
Ecker, Janet	Miller, Norm	Wilson, Jim
Elliott, Brenda	Munro, Julia	Witmer, Elizabeth
Flaherty, Jim	Mushinski, Marilyn	Wood, Bob

**The Speaker:** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

**Nays**

Bisson, Gilles	Marchese, Rosario	Martin, Tony
Hampton, Howard	Martel, Shelley	Prue, Michael
Kormos, Peter		

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 78; the nays are 7.

**The Speaker:** I declare the motion carried.

**STATEMENTS BY THE MINISTRY****AND RESPONSES****MENTAL ILLNESS AWARENESS WEEK**

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I rise in the House today to honour Mental Illness Awareness Week, which takes place this year between October 7 and 13. As well, I appreciate this opportunity to highlight our government's reform of Ontario's mental health system.

Ten years ago today the Canadian Psychiatric Association, in collaboration with a number of national organizations, launched the first Mental Illness Awareness Week campaign. Its slogan, "Let's Unmask Mental Illness," communicates the essential goal of this designated week. That goal is to remove the stigma of mental illness and create an environment where it's acceptable to discuss and seek information and/or treatment and support for mental illness. Such openness is critical in helping to ensure efficient and timely access to the mental health system, and this is central to our government's mental health reform.

Ontario's mental health system for the seriously mentally ill includes provincial and specific psychiatric hospitals, general hospital in-patient and outpatient units, institutional long-term-care services, homes for special care, the mental health homeless initiative, assertive community treatment teams and public education, and hundreds of community programs providing a wide range of services from crisis intervention to vocational and social rehabilitation.

Throughout this vast entity, the progressive thread of reform is taking mental health care out of the institution and moving it into the community. Supporting that goal is our government's investment in the mental health system, and I'm proud to say that since 1995 we have committed an additional \$377 million in mental health care services. In total, Ontario spends \$2.7 billion annually on mental health services.

Yet for all this, there is still much more to do. A mental health care system built to withstand the challenges of our time must be accessible, it must be integrated, it must be coordinated and it must be accountable to the people it serves and the people of the province. It must deliver without fail a full range of care. It must be driven by compassion and commitment. It must be available at every stage of life and as close to home as possible.

**1400**

The urgency of such an initiative is based squarely on the recognition that millions of Canadians are directly or indirectly affected by mental illness, and the cost of mental illness is far higher than often estimated—far higher in our personal lives, with our extended families, in the workplace, in the health care system and in the economy as a whole.

That's why Ontario is steadfast in its commitment to mental health reform; that's why previous ministers have established the mental health implementation task force as a mechanism through which recommendations are being developed on provincial psychiatric hospital restructuring, community reinvestments and the implementation of mental health reform; that's why the Premier of the province met with the joint task force in the last two weeks to discuss his vision for mental health reform and listened to the committee on their initial findings; and that's why nine regional task forces have been formulated throughout the province, because all of this is important to ensuring that we have the services where and when we need them.

Each mental health task force in the province has the flexibility to effectively address the implementation requirements of the region it serves. The task forces are working in collaboration with community providers, consumers, families, the business community and the ministry to identify local problems and blueprint an integrated, coordinated reform of the province's mental health system.

One of the greatest assets is the spirit of partnership that exists within these nine task forces. I have to tell you, I've met with many of the task force members, and

the commitment they have to making a difference in Ontario is truly outstanding. Each task force is a collaboration of determined individuals who represent many facets of our society. They represent people from the provincial psychiatric hospitals and facilities, consumers, families, community mental health agencies, community care access centres, district health centres and other caring and committed agencies clear across Ontario's mental health system. To assemble such a breadth and depth of mental health treatment knowledge under a single umbrella, I'm proud to say, is just a remarkable achievement.

Our principal goal is helping people with a serious mental illness and their families get the information and services they need in an efficient and effective manner. We're determined to ensure that the right services, and the right number of them, are in place, and that the system is set up so people can have access to them when it is appropriate, and to make sure that they have those services when and where they need them in Ontario.

The task force represents a golden opportunity to bring about change in the way mental health services are delivered in this great province. Once completed, accessibility, integration, coordination, accountability and sustainability will be intrinsic to a new system that better serves the needs of those with mental illness.

The mental health system that is in place today is complex. Mental health reform policies are unquestionably ambitious. And there is always resistance to change.

The task forces not only represent and link these various sectors and stakeholders as they develop recommendations for change but also champion the notion of change itself in the community. Reform automatically means a profound shift in moving the consumer to the centre of a people-oriented system. Mental health services will be tailored to consumer needs with a view to increasing their quality of life. Consumer choice will also be improved, and access to services will be streamlined. Services will be linked and they will be coordinated so that the consumer can move seamlessly from one part of the system to the other.

In our own lives, these actions translate into our loved ones receiving better, more appropriate care at a time of critical need. They translate as more support and assistance from other consumers, families, employers, colleagues and the public at large.

That ultimately takes us back to the purpose of this week: Mental Illness Awareness Week. I want to urge every member of this House to stress the importance of the goal of this week among their constituents specifically, to help raise awareness about the nature of mental illness, to help ensure that people are aware of the nature of mental illness and its surrounding issues, treatment, care and support. We in this hallowed chamber today can ensure that we make a difference as we work toward ensuring an education so that Mental Illness Awareness Week does not go unnoticed.

Thank you all in advance for your efforts. I look forward to working with everybody during this month.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I agree that it's important to recognize Mental Health Awareness Week to build public awareness of mental health and to try and move mental health issues and concerns on to the front burner. I think it's even more important to move mental health issues on to the front burner for government action, and I truly wish this government were serious about the kinds of reforms that are needed in our mental health system.

Our great concern, when Brian's Law was passed a little more than a year ago, was that the government would feel that it had responded to the concerns of those who advocate for mental health services and would not feel it needed to do much more. In fact, over a year later very little more has been done, and the government's focus of reform continues to be the closure of six of nine psychiatric hospitals.

There was an assurance from the previous Minister of Health, reiterated by the current Minister of Health, that there would be no closures, no loss of psychiatric beds until community supports were in place. In fact, we find in the estimates this year that five of six of those psychiatric hospitals have been officially divested, are no longer officially responsible for providing care. Yet we have not seen the community supports put in place.

We have had the reality. The implementation committees are set up, as the associate minister has just described, but they have not reported. We don't know when the first committee is going to report, and in the meantime there are no significant resources because there have not been recommendations placed on the minister's desk.

We know that the serious gaps in the mental health system mean that more people are being discharged from psychiatric hospitals to go into jails than to go into community support; 25% of the inmates in our correctional institutions have mental health problems. We keep raising the issues of specific individuals who have no place to go. I just signed a letter today to the Minister of Health about a constituent named Timothy, severely brain-injured. He is sitting in a Thunder Bay district jail because nobody in the mental health system across this province can find a place for Timothy to go. I consider that to be absolutely unconscionable.

There is so much that needs to be addressed. There was no mention of mental health in the budget—\$26 million for facilities. Let me correct that statement: for facilities, but when you look at the estimates book, there is \$13 million less for the operation of our mental health facilities. If you look at community housing, where a bulk of this ministry's money has gone, and community support of housing for the mentally ill is absolutely crucial, we applauded the decision to put money into community support of mental health housing. But if you talk to people who are supposed to be providing the housing out there, in communities from Toronto to Atikokan, my riding, the housing isn't getting provided because either the resources aren't sufficient or there are



bureaucratic rules put in place that make it impossible to meet the real needs in a particular community.

Talk about alcohol and drug addiction programs and ask the government why the \$5.4 million in one-time funding for last year to enhance those programs is not being renewed this year. Let's ask them why, at the same time, there is no mention here of children's mental health, because it isn't the responsibility of the Ministry of Health. I wonder who takes responsibility for children's mental health. There are 700 children in Windsor alone on a waiting list for mental health services because the minimal increase in funding to children's mental health has not kept pace with the cuts to education budgets, which has meant more and more children in need of care.

Let's indeed unmask the reality of mental illness, and let's unmask at the same time the gaps in our service to those who have mental illness.

1410

**Mr Steve Peters (Elgin-Middlesex-London):** It's important that we recognize this week and pay tribute to the doctors, nurses and support staff who work in caring for our mentally ill patients in this province. But I think it's important too that the associate minister and other members in southwestern Ontario recognize some of the damage this government has done to the mental health system in southwestern Ontario.

I'm going to quote from the 2000-02 operating plan for St Joseph's Health Care, who are dealing with mental health:

"Our regional mental health care programs are facing significant cost pressures. To continue to provide these services into 2001-02 without interruption will require an increase in ministry funding...." We are facing a \$5.2-million shortfall. "Should we be required to realize savings to any extent to meet any shortfall then we would undertake an extensive review of existing services," even to eliminate or balance. So I guess you're going to go through another scoping and sizing exercise.

PACT teams: they're not going to be able "by the end of the year ... to meet the demand for service."

The adult programs are experiencing waiting lists of 10 to 15 patients.

Geriatrics: "The decrease of hospital-based facilities may cause harm to this vulnerable population unless adequate and well-planned community services are provided."

I could go on and on. The nursing plan: they talk about the need for nurses and the loss of nurses, all on the backs of this government. Did you read this plan?

**Ms Shelley Martel (Nickel Belt):** I am pleased, on behalf of the New Democratic Party caucus, to recognize Mental Illness Awareness Week this week. I appreciate the goal of this week, which is to remove the stigma of mental illness and to try and create an environment where it is acceptable to discuss and seek information and treatment and support for mental illness. I want to thank all those who will be involved in the campaign.

It's this very issue of support and treatment for mental illness which I want to focus on today, especially with respect to children's mental health. The fact is that this government's record on funding children's mental health is abysmal.

I want to refer to a pre-budget consultation document we all received from Children's Mental Health Ontario, which is a non-profit, independent organization that represents 90 children's mental health centres which serve about 150,000 people. They made this presentation to the Minister of Finance on March 19, 2001. To give you an idea of the extent of the problem, the facts are:

One in five of Ontario's children has a mental health problem.

Canada's youth suicide rate increased 400% in the last 30 years.

In the last 10 years, StatsCan figures show an increase of 121% in the incidence of youth violence.

A recent study from the Institute for Clinical Evaluative Sciences reported an increase of 19% in Ontario's adolescents seeking help for mental health problems over the last decade.

According to Ontario's office of child advocacy, 80% of young offenders have mental health needs and are incarcerated in our jails at a cost of \$100,000 a year.

The Canadian Institute of Child Health says in its most recent report that emotional and behavioural problems and early learning difficulties have the greatest impact on lowering life quality and reducing the chances for Canadian youth and kids.

—One in six children with mental health problems is receiving the help they need from the formal care and treatment system. We have 8,000 children with critical needs who now remain on waiting lists in Ontario—8,000 children with critical mental health needs.

It's interesting that in the budget consultation this particular organization talked about the investment the government made last year and said the following:

"Meeting the objectives of the four-point plan"—which is the \$20 million the government put in last year—"has added to the already extraordinary pressure on the basic infrastructure that supports all children's mental health services. Since 1993, government's investment in core funding for children's mental health services has declined by 8%. The additional cost-of-living increase, plus unfunded pay equity and WSIB, means that children's mental health centres are facing a reduction of 20% to 25% in actual real dollars since 1990."

This is the legacy left by this government with respect to children's mental health.

The association made three recommendations to the Minister of Finance. The first was a need for \$50 million to base funding to try to recruit and retain those professionals who deal with children and their mental health problems. The government has done nothing about that issue.

The second recommendation they made was that this government needed to fund so that they could intervene

early with children under the age of seven, and that \$30 million be allocated in this regard. What did the government do? The government allocated \$6.9 million of federal dollars to this initiative in May. There has been no corresponding match of funds from this province, certainly no provincial dollars invested in this regard.

The third recommendation was to allocate \$30 million to help this organization work with the Ontario Public School Boards' Association and the Ontario Catholic School Trustees' Association to keep our schools safe and to intervene with kids in the schools. Again, what has the government done in this regard? Nothing. The fact of the matter is that since 1990, funding in children's mental health has declined by 20% to 25% in real dollars. I know the government doesn't want to hear that, but that's a fact, that's the truth, and today the Minister of Health should have been in here doing something about it.

Minister, if this government wanted to do two things, they could fund Family Solutions in Sarnia-Lambton, which operates at St Clair Child and Youth Services, one-time funding to keep families who are at risk together. They met with the minister on April 28. They got a letter last week saying their funding has been cut. Why, Minister?

If the government wants to do something, they can do something for Essex county kids. This government has had a proposal before them since May—all members have received a copy—to increase mental health dollars for kids in that area. Again, this government has done nothing.

## ORAL QUESTIONS

### ONTARIO SECURITY

**Mr Dalton McGuinty (Leader of the Opposition):** My first question today is for the Premier. Ontarians would have learned during the course of the weekend about Canada having joined the battle against terrorists, and they would have awakened this morning to headlines which made ample reference to the word "war."

I think Ontarians understand that there is now an increased likelihood of terrorist retaliation, given the fact that we have joined this battle, and rightfully so. I think the question that is weighing heavily on the minds of Ontario families today is, are we any safer today, four weeks after September 11, than we were on September 11 itself? We think specifically of our water plants, our nuclear plants, public transit, tall buildings and so on.

So the question I have for you today, Premier, on behalf of Ontario families, is, what specific measures have you put in place since September 11? I'm not talking about plans or things that are being contemplated or being reviewed. What specific measures have you put in place since September 11 to make Ontarians safer from a terrorist attack?

**Hon Michael D. Harris (Premier):** The whole issue of security and safety, of course, is one of concern to all Ontarians, indeed to all Canadians, and I think to people around the world, not just for the actions of September 11 but the accelerated action, as you know, with countries that are involved in the action to strike back at terrorists, at this particular moment in time in Afghanistan, but a stated goal wherever terrorists can be found.

We have taken a number of steps. As you know, we have asked our own Ontario Provincial Police to work with the municipal police forces. They are working with the RCMP. As you know, we have stepped up security, for example, at nuclear plants and other facilities, and we have announced a number of other measures to continue to look at other areas where we maybe should do even more. But I'm pleased to assure Ontarians that I believe they are safer today than they were before September 11.

**Mr McGuinty:** Ontario families will not be looking for platitudes; they'll be looking for evidence of specific, concrete actions.

Last week, three weeks after the terrorist attack, a man slipped in through the fence at the Bruce nuclear plant and entered a building. Fortunately, all he had in mind was to make a phone call, and that's all he did.

I want to speak to you about the issue of nuclear safety. Coincidentally, just last week concerns were raised at the Canadian Nuclear Safety Commission that your government has been sitting on an updated emergency plan for our nuclear power plants for five years now. Five years is a long time. I would also add that in the minds of Ontario families, four weeks since September 11 is a long, long time. My question is, why are you taking so long to put in place an updated and improved emergency plan for our nuclear plants?

1420

**Hon Mr Harris:** The Minister of Energy can respond directly to that, if you like.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** I wouldn't mind if the honourable member would repeat the question.

**The Speaker (Hon Gary Carr):** Stop the clock. If the leader of the official opposition would like to repeat it, he can.

**Mr McGuinty:** In passing, let me say that the people of Ontario are looking to the Premier for leadership on all security matters, and it's unfortunate that he's deferring to the energy minister on this.

Nonetheless, for the benefit of the minister, my question has to do with nuclear safety in the province of Ontario and the fact that just last week a man slipped through the fence at Bruce, and in addition to that, coincidentally last week the matter was raised at the Canadian Nuclear Safety Commission that your government has been sitting on an updated emergency plan for our nuclear power plants for five years now.

My question is, why is it taking this government so long to put in place a better and improved emergency plan when it comes to dealing with our nuclear plants?



**Hon Mr Wilson:** We are up to date in our nuclear security measures. In fact, since the tragedy of September 11 we've taken another look at the plans that are in place. There was a comment, which we take seriously, from one member of the Canadian nuclear safety authority who lives in Victoria, a criticism he made publicly that he had never made to this government privately or through any communication with this government. However, I do take the matter seriously, and we are reviewing our safety and security measures in light of that particular member's comments.

We have great confidence in the security at our plants. Everything humanly possible that can be done is being done with all local authorities, with federal authorities and with police forces across the province. If the honourable member has any further suggestions to make, I'd like to hear them.

**Mr McGuinty:** Minister, the fact remains that last week, three weeks after September 11, a man entered the grounds of the Bruce nuclear plant and actually got inside a building. Fortunately, all he wanted to do was make a phone call. That is an indisputable fact.

I'm asking you as well about the updated emergency plan for our nuclear power plants. This plan would coordinate the emergency response to a major nuclear incident, including a terrorist attack. More than four million people live under the radioactive shadow of our three nuclear plants in the province of Ontario.

This delay in your acting on this updated plan means that you've deferred decisions like the following: how should we mark evacuation routes with signs; how would we distribute radiation-protective doses of iodine; how wide an area should we give notification to after a major incident, including a terrorist attack?

I'm not sure why this was not a priority before, but surely it ought to be a priority in the post-September 11 world. I know it's a matter that has to be approved by the cabinet. Will you finally act and make sure the new emergency plan is on the agenda and approved at tomorrow's cabinet meeting?

**Hon Mr Wilson:** We have good plans in place. We are working with our American counterparts, and they assure us, upon review of our plans, that our plans are as good or better than many of the plans in place for US nuclear sites.

The honourable member has taken the tragedy of a man who fell into the water and was suffering from hypothermia and our staff were trying to help that individual—that's how the individual ended up in the plant.

#### CHILDREN'S HEALTH SERVICES

**Mr Dalton McGuinty (Leader of the Opposition):** My second question is for the Minister of Health. Parents in southwestern Ontario received some frightening news last week. Responding to your directive to cut their budget, the London Health Sciences Centre announced the cancellation of 18 programs, many of which affect very sick children.

These programs include specialized pediatric heart surgery, all lung and heart transplants and the treatment of babies who have been seriously burned. All these kids will now have to travel to Toronto. Parents are afraid that travelling to Toronto will endanger their children, and they're also afraid there may very well be no room for them in Toronto hospitals.

Minister, can you tell these parents now why you are making them travel so far for life-saving treatment for their children?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I think the honourable member is drawing some conclusions here. I can tell the honourable member and this House that the programs that are proposed for scoping and sizing by the trustees of the hospital involve less than 1% of all the patient activity that occurs in that hospital. So I'd like this House to put those decisions in that perspective.

I would also like to say to this House, in answer to the honourable member's question, that, as the Ministry of Health and as the government of Ontario, we would of course ensure, for the reason of providing the best care in the best location rather than trying to be all things to all people, that those services are picked up by other excellent institutions within the province of Ontario health system.

**Mr McGuinty:** If the minister is so quick to dismiss the concerns of parents, then maybe he'll listen to doctors. This is what pediatric cardiologist Dr Gary Joubert said: "A child may die because of the decisions made this week." This is what Dr John Lee, a pediatric heart surgeon, said: "Parents across southwestern Ontario have a right to be very worried for their children." Dr Lee said he is terrified for children, because he regularly receives urgent calls from Toronto asking for beds in London because they are full in Toronto. He says: "It isn't unusual to wait weeks to send a patient from London to Toronto, or to be told that Toronto isn't accepting transfers." I quote again from Dr Lee: "This gets to be a life-and-death situation, and it is a lie for them to say that lives won't be affected."

Minister, why are you proceeding with these cuts at the London Health Sciences Centre when parents, and now doctors, are saying these cuts will cause harm to children?

**Hon Mr Clement:** I too am surprised that the honourable member seeks to dismiss out of hand the expert advice, the clinical advice, the advice of the trustees of the community when it comes to delivering the best programs for the community in London and indeed throughout Ontario.

The honourable member mentions pediatric cardiac surgery. This is a particular procedure that is being done at 50% less than the ideal rate to ensure the best clinical outcomes. If the honourable member wants to promote poorer clinical outcomes for kids who need heart surgery, that's his business, but that's not the business of the Ontario government.

*Interjection.*

**Mr McGuinty:** If the member for London-Fanshawe wants to go on record in defence of his constituents, then I'm quite prepared to cede my time to him. But until he does, we on this side of the House won't give up on those constituents.

It is bad enough that this minister is going to cut these life-saving programs and risk—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. The Minister of Labour, come to order.

*Interjections.*

**The Speaker:** Order. It's your leader's question. I'm trying to settle them down. It doesn't help when you yell across too.

**Mr McGuinty:** It's hard to believe, but this actually gets worse. It turns out that the minister doesn't even have a plan in place to manage where he is going to send these critically ill kids now that he is slashing their services.

Here's what Dr Timothy Frewen, chief of pediatrics at Children's Hospital of Western Ontario, says. He's "concerned that there is no agreement between London and other children's hospitals to provide the services being cut in London to these kids."

*Interjection.*

**Mr McGuinty:** If the Minister of Training, Colleges and Universities wants to stand up for her constituents and fight for her hospital, then I'm prepared to cede my ground to her.

My question to the minister is, how can you do this to these children? You are proceeding with cuts that are harmful to their health and you don't even have a plan in place to help accommodate their needs.

1430

**Hon Mr Clement:** Let me assure this House that we do have plans in place. We would always have plans in place before transferring specific clinical responsibilities from one hospital to another. So the honourable member is quite simply wrong.

If he doesn't want to take my word for how it is important that we try to ensure that our hospitals deliver the best services to the community, then he can take the word of the president of the Ontario Hospital Association, who said just last week, at the same time that he was complaining about this—

*Interjection.*

**The Speaker:** Order. Member for Thunder Bay-Atikokan, please come to order, and while we're at it, the member for Windsor West as well.

**Hon Mr Clement:** The CEO of the Ontario Hospital Association said, "We should move toward more differentiation in the types of hospital facilities we build. Hospitals don't need to be scaled-up or scaled-down versions of the same model in every community." That makes good sense. What the honourable member is offering is hospitals trying to be all things to all people, and the clinical outcomes suffer and the people suffer. If the honourable member wants to be on that side of the

debate, that's his business, but we're on the side of helping people in—

**The Speaker:** The minister's time is up.

## TAXATION

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Premier, a certain finance minister was quoted two weeks ago in the Toronto Sun as saying that one way to fight the economic fallout is to go to the mall and spend. The same finance minister says that a provincial sales tax reduction could be in the cards if the economic fallout from September 11 persists.

Ontario has lost 26,000 jobs since May, and new layoff announcements are coming fast and furious: Nortel, Boeing, de Havilland, the auto sector generally. All of this has happened since this particular finance minister made the comment two weeks ago. Premier, will you admit that the time to reduce sales taxes, the time to say to consumers, "Go out and start spending," the time to restore consumer confidence is now? Will you bring in a reduction in sales taxes?

**Hon Michael D. Harris (Premier):** I appreciate the question from the Taxfighter, and I'll refer it to the Minister of Finance.

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** To the member opposite, I appreciate his conversion to reducing taxes as an economic stimulus, which is certainly what the Premier has followed in Ontario since 1995, to the great economic benefit of this province.

We now have a situation across Canada where in budget after budget provincial governments—including the federal government in the mini budget last October, I believe it was—reduced taxes. Indeed, personal income taxes have been shown to be the key instrument across Canada, and in the federal analysis, in Paul Martin's analysis, the key stimulus to direct economic growth.

**Mr Hampton:** I can tell the Legislature that the finance minister who was saying that a reduction in sales taxes would be in order, the finance minister who was saying that if bailouts continue, it might be the best way to restore consumer confidence, was none other than Jim Flaherty. Minister, in case it has missed you, there were 20,000 more layoffs at Nortel, thousands at Boeing and de Havilland, at least 2,000 in the auto parts sector, with more to come. How many more layoffs have to occur before you say to your Premier, "It's now time to reduce the sales tax; it's now time to address the issue of consumer confidence"? How many more layoffs have to happen?

**Hon Mr Flaherty:** There's no question that we've experienced a time of slower economic growth in the third quarter. There's also no question that that was anticipated. There's no question also that there are some quite significant short-term effects of the tragedies of September 11. Having said that, it's the duty of government to look at all the tools we have at our disposal to address those issues.



The informed judgment of the government has been that the acceleration of corporate income tax cuts, the acceleration of the reduction of the capital tax and the acceleration of personal income tax cuts ahead 90 days from January 1 are in the best interests of stimulating the Ontario economy in the short term.

**Mr Hampton:** I think the finance minister has his figures mixed up. There are 11 million consumers in this province, and they're asking for a sales tax reduction. There are the Big Six banks that have \$10 billion in profits, and they're the people you're giving the tax reduction to through your accelerated corporate tax cut. You've got it backwards. If you want to stimulate consumer spending, if you want to restore consumer spending, the banks, and a tax cut for banks, isn't the place to go. The place to go is all those consumers out there who want you to reduce sales taxes.

I ask you again—you were very generous with your friends in the banking industry who already have lots of profit and who will benefit overwhelmingly from the corporate tax cut—how many thousands of layoffs have to occur before you recognize that consumers need a break in the sales tax at the cash register?

**Hon Mr Flaherty:** It's clear that the personal income tax cuts benefit all the people of Ontario who pay income tax. With respect to corporate taxes, I had thought that even the leader of the third party would acknowledge by now that by reducing corporate taxes we leave more money in the hands of entrepreneurs who invest in plants, who invest in equipment, who create the jobs that are needed by persons in Ontario in order to keep our economy going; in other words, an engine of economic growth for all of us in the province of Ontario. It's of vital importance that we encourage entrepreneurs to re-invest in their businesses, give them the means to do so.

**The Speaker:** New question. The leader of the third party.

**Mr Hampton:** I'm sure people across Ontario will be happy to know that the finance minister considers banks to be the entrepreneurs of Ontario.

My next question is to the Premier. The other piece that's missing in your so-called economic plan is that the corporate tax cuts will only help those companies that are making a profit. Companies only pay taxes when they make a profit, and they pay them on the profit. If they don't make a profit, they don't benefit from the corporate tax reduction. That means that companies like Algoma, the dozens of sawmills in northern Ontario that aren't making a profit and a lot of companies in the auto parts sector will not benefit from your accelerated corporate tax reduction.

My question to you is: as the layoffs pick up, what is your government prepared to do to help the very industries, the very jobs and the very communities that are suffering and won't get one red cent from your corporate tax reduction?

**Hon Mr Harris:** I do want to say that I appreciate the member's new-found thirst for tax cuts.

For about the last 11 years, since I was elected leader of this party—a little over 11 years—I have campaigned for tax reductions from the massive tax increases of Liberal and NDP governments. I campaigned in 1990. I fought from 1990 to 1995 while the current leader was a member of the government that unmercifully hiked taxes to consumers, hiked taxes on incomes, hiked taxes on gas, hiked taxes on everything they could see. If it moved, they taxed it.

I want to say that I appreciate—and I think it's part of the healing process in understanding the mistakes one has made, to admit you made mistakes, to come to the party, to understand. I'm delighted that there are now two parties in the Legislature advocating for tax reduction.

**The Speaker:** The Premier's time is up. Supplementary.

**Mr Hampton:** This is wonderful certainty from a Premier who couldn't make up his mind on Thursday or Friday last week whether Ontario's economy was in recession.

Premier, I just want to sort of round out the record. Since your government came to power, the taxes that hit the average working person—sales taxes, gasoline taxes—haven't been reduced one bit, and you've added dozens upon dozens of user fees, copayment fees, management fees that all hit the average working person.

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But the question was, Premier—we see what you're prepared to do to help out your corporate friends the banks with a big corporate tax cut—what are you prepared to do to help those companies, those jobs, those communities that don't make a profit, that aren't going to show a profit, that won't benefit from the corporate tax cut? What are you going to do to help them sustain those jobs and sustain those communities?

**Hon Mr Harris:** This of course is from the leader of the party that increased gas taxes twice in the five years they were in office.

Gas taxes, as you know, hit those in northern Ontario. They hit consumers. They hit drivers. They hit those involved in the lumber industry and all those various companies he is now advocating that we assist.

Let me say that one of the most significant tax cuts for corporations is the capital tax, which we announced would start to kick in on January 1, 2002. We are accelerating that tax. The capital tax will benefit every company, regardless of whether they make a profit or whether they do not. I believe that is what the member is asking us to do and I will count on his support.

Perhaps I could have the Minister of Finance separate out the capital tax reduction so that you could have the opportunity to vote for that. I'd be interested to know if we can count on your support for the capital tax reduction.

#### IPPERWASH PROVINCIAL PARK

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Premier. A few days ago in the

Legislature, Premier, you said in regard to Ipperwash—and I'm quoting exactly—"The OPP had no communication with anyone from the government prior to the death of Dudley George." We also have an affidavit from you that you submitted to the courts, an affidavit that says, "In response to your request to admit dated August 10, 2001, the defendant Michael D. Harris admits the truth." It goes on to say that on September 6, you met with Scott Patrick. Then, your affidavit said, you met with Scott Patrick, then a sergeant with the OPP. That's what your sworn affidavit says.

The question is this: why would you say in the House that the OPP had no communication with anyone from the government, yet in your own personal court affidavit it says that you met with Scott Patrick, then a sergeant with the OPP?

**Hon Michael D. Harris (Premier):** I stand by the affidavit and the sworn affidavits that we have given. There was a meeting, as you know, that I indicated I attended. Mr Scott, whatever his name is—at the time I wasn't aware that he was at the meeting. It was an informal meeting. He was not there in the capacity of a police officer, didn't identify himself as a police officer and took no action as a police officer.

**Mr Phillips:** In the House, Premier—this was just a few days ago—you said, "The OPP had no communication with anyone from the government prior to the death of Dudley George." I assume that you knew what you were talking about then, that you had been told that there was no communication. But this is your own affidavit, the one that you supplied to the courts, the one that is a legal document. In that document you swear that you did meet on September 6 with Scott Patrick and your personal affidavit says, "then a sergeant with the OPP."

We have two statements by you, one your sworn affidavit in court saying you met with Scott Patrick, then a sergeant with the OPP, and this, by the way, is an affidavit that was submitted shortly after August 10, 2001. But in the Legislature you said something exactly opposite, there was no communication. Premier, which is the correct answer?

**Hon Mr Harris:** The correct answer is exactly as I've given. I have never given, nor has any minister, nor has any official of this government, any direction to the OPP. The sworn affidavit, which is now a matter of public record, indicates, that there were, I believe, OPP members at a briefing meeting. They were not in a command capacity. There were seconded to the Solicitor General's ministry to work as bureaucrats and they were at that meeting. I've given no direction and no official gave any direction to any member of the OPP.

#### BEVERAGE ALCOHOL SALES

**Mr Doug Galt (Northumberland):** My question is directed to the Minister of Consumer and Business Services. Minister, as a representative of a rural tourist and one that's very, very dependent on the tourist industry, I have some appreciation of the concerns that

people have in their ability to sell and to purchase beverage alcohol. I've been told that the access to beverage alcohol is inconvenient and is limited.

Minister, it's my understanding that you have some plans for change to modernize the beverage alcohol system. How will the system change, what will it do for the people of my riding, and will it improve convenience for the Ontario consumer?

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** We recently announced that we would put up to 150 franchise—or what are formally known as agency—stores in small-town, rural Ontario to provide underserved areas with access to alcohol beverages. This is in response to now over 600 requests from various communities across Ontario for this kind of service.

I think it's a tremendous move for small-town Ontario because a lot of these small communities have difficulty in maintaining a commercial structure, and this will allow a small retailer—a small general store—the ability to keep his or her doors open and will bring a little more traffic into that small store in rural Ontario. It's a tremendous opportunity in terms of a win by the LCBO, because they cannot service these communities in an efficient manner.

**Mr Galt:** I know that people in my riding will certainly welcome that innovative project. However, with an initiative such as this there are obvious concerns about the kind of social responsibility that would go with these new franchises. Can you assure this House that the same standards that now apply to the LCBO will in fact apply to these new franchises?

**Hon Mr Sterling:** Mr Speaker, through you to Dr Galt, who has been a very, very strong supporter of this particular initiative, we have 107 agency stores presently in the province. We have, over a long period of time—since 1962—not experienced any difficulty with service to minors from these different agency stores. However, we are ensuring that all of the operators of these stores would undergo the same kind of training as LCBO staff. As well, district managers from the LCBO will be paying visits to these particular stores to ensure that the standards are held up high and that underage people are not served.

As well, the franchisees have a double penalty. They not only would be charged under the law for serving minors, but they would lose their right to sell alcohol in the future.

I think it's a great program.

#### TAXATION

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. Premier, as part of your plan to get Ontarians spending again, you cut income taxes earlier than you had planned. You said it was important to get money into the pockets of Ontario families at the earliest possible opportunity. We said that a dollar a week for the average family was nothing more



than a sad joke and would do little, if anything, to get them to go out and spend.

We're now told by the Canadian Payroll Association that it could take as long as six weeks until Ontario families get their first loonie coming from your tax cut. Will you now admit, Premier, that your tax cut stimulus plan was drawn up on the back of an envelope, it wasn't thought out, and it is not going to work?

**Hon Michael D. Harris (Premier):** What I can tell you is that from day one, you personally and your party have been violently opposed to any tax reduction for any Ontarian, rich or poor, large business or small business. We know that.

Now the New Democratic Party has come on side with an understanding that reducing taxes is a good thing to do, that leaving more money in the hands of Ontarians is a good thing to do. This will help create jobs and help stimulate the economy. I guess they looked at your record and their record and saw all the jobs being lost, double-digit unemployment, record deficits, and then they looked at the record over the last five years of declining taxes.

The Minister of Finance, when you ask your supplementary, can give you an update of the details. Some things take a little bit of time, but what we are saying is that we are accelerating the tax cuts. We're not going to listen to you and your ilk, who say higher taxes are a good thing, big government is a good thing. I'm surprised you haven't got that through your head yet.

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**Mr McGuinty:** I can understand why the Premier is embarrassed. This thing has fallen completely flat. I can understand why the government members are afraid to stare into the face of this, but the fact is that we have the slowest growth in the country. We lost 26,000 jobs since May, and this is the best that this government can come up with? Putting together its most creative and innovative thinking, they come up with a loonie a week that won't kick in for another six to eight weeks? I ask you, Premier, how is a loonie a week that won't kick in for another six to eight weeks going to act as a real stimulus and induce Ontario's working families to start spending? That's my question.

**Hon Mr Harris:** A loonie a week is more in their pocket than you would give them. You want to extract every last loonie, nickel, dime and penny you can take out of Ontario's working people. You voted against tax cuts to take low-income people right off the tax rolls completely. You said, "No, tax the low-income people, tax the poor," on voting against that. You voted against tax cuts for moderate-income people. You voted against tax cuts for every hard-working family member in this province. For you to stand in your place and say that we should not cut taxes today is absolutely ludicrous.

You're out of sync with your federal counterparts. You're out of sync with the NDP, for gosh sake. You are left of the NDP, and that's why—

*Interjections.*

**The Speaker (Hon Gary Carr):** New question.

## GOOD NEIGHBOURS WEEK

**Mr Joseph Spina (Brampton Centre):** My question is for the Minister of Citizenship. October 8 to 14 is Good Neighbours Week. When I look out the front door of my home, I see people from not just the traditional English, Irish and Scots families, but Lebanese, East Indian, West Indian, Greek, Italian and Chinese. In light of the events of September 11, when terrorists killed more than 6,000 in the US, it confirms that the true quality of life is rooted in our capacity to care for each other and to respect diversity.

Minister, could you please tell us your perspective on what Good Neighbours Week is and how Ontarians can take part in it.

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** All members of this House have had occasion the last couple of weeks to share expressions of the inspirational acts of caring that have been occurring not only across Ontario but across Canada. Being a good neighbour is all about understanding your neighbours' needs and responding to them effectively.

Here in Ontario, our program of Good Neighbours has been very successful, and we encourage people to continue to extend their hands and their understanding to seniors, persons with disabilities, persons with illness, loneliness and, yes, even people who suffered a catastrophe. The program has been very successful in Ontario, and I think that as our entire nation is full of people who are caring for each other, we are reminded today that we are also here in Ontario good neighbours to our friends the Americans.

**Mr Spina:** There are a number of events. Minister Clement and I just the other day were participating in opening the new Knight's Table Restaurant, which is a restaurant for homeless and needy people. We are very proud of that event and the opportunity to participate in such a reaching out to our community.

Continuing on that theme, Minister, what other programs can you talk about that would demonstrate the true character of the people of Ontario that really go largely unreported?

**Hon Mr Jackson:** One of the most valued traditions in our province is that of volunteering and volunteerism. It's clear that in Ontario we built caring communities, and because of that they are stronger, they are safer and volunteerism plays a vital part in their prosperity.

This government recognizes that it is an important value. That's why since 1995 we've invested over \$22 million in volunteerism initiatives. This year, in the International Year of Volunteers, we have invested \$15 million of taxpayers' money to support, encourage, enhance and expand that important infrastructure.

Finally, next week will be Citizenship Week. It's a chance for us to reflect on the importance of what it has meant to so many people who have come from so many different countries to live in our province. Everyone here has the right to live with respect and dignity, to be free

from fear and have equal opportunity. Being a good neighbour and being a good volunteer are wonderful examples of good citizenship here in Ontario.

### COLLÈGE DES GRANDS LACS

**M. Gilles Bisson (Timmins-Baie James):** J'ai une question pour la ministre des Collèges et Universités, mais je ne la vois pas ici à l'Assemblée.

**The Speaker (Hon Gary Carr):** One moment. I believe she's just in the back.

Proceed.

**M. Bisson:** Ma question, madame la ministre, s'adresse directement à vous. Vous savez qu'on a appris il y a quelques jours que le Collège des Grands Lacs allait fermer son seul dernier établissement ici à Toronto. Actuellement, on a une soixantaine d'étudiants qui fréquentent le Collège ici à Toronto.

Pourtant, il y a eu une réunion le 27 septembre dernier. Le conseil d'administration du collège avait décidé à l'unanimité que l'établissement allait demeurer ouvert jusqu'à l'an 2002, au mois d'avril. Mais depuis cette date, la direction du collège a laissé courir le bruit dans les médias que la fermeture de l'établissement était immédiate.

Êtes-vous au courant de cette volte-face de la direction et, plus important, est-ce que vous approuvez cette direction ?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** In response to my colleague, we did receive a letter last Friday from the board at Grands Lacs that they in fact did decide to officially wind down the college. We support the board in its decision, as we do boards across the province, to put the interests of students in the francophone community first.

I would describe our plan, or their plan, that the students will continue their classes until other arrangements can be made in the best interests of the students.

**M. Bisson:** J'ai un peu peur, quand vous dites—avez-vous en effet dit votre plan? Tout ce qu'on sait, c'est que le 27 septembre il y a eu une rencontre avec l'établissement faisant affaire avec le conseil, et il y a eu une décision à l'unanimité de ne pas fermer le collège cette année. Là on trouve, à peine une semaine après, que tout à coup la décision a été renversée.

Moi, je me demande, quand vous vous levez et que vous dites votre plan, est-ce vraiment votre plan, comme ministre responsable, de fermer cette université, ou est-ce que c'était directement celui du collège lui-même? Je commence à croire que c'était vous.

**Hon Mrs Cunningham:** The member knows well enough that this is a decision for the board at the Collège des Grands Lacs. This board has been working for a couple of years in trying to make this college a go. They've worked on their own and any decision is their decision.

The member is correct: there was a different decision a couple of weeks ago. But we did receive a letter, and

obviously they had their proper meetings, which says, "Last night the board of directors met to review the situation," and they've made a number of recommendations. I would be happy to share this with the member.

I think the member's concern is for the students, and I just want to say that I will spend time letting you know what I know. I understood that the students were having some meetings beginning today. I share his concern. I think it's unfortunate, but the board has made its decision. I think he and I want to make sure, as does this Legislative Assembly, that the students will receive a good education and have choices, and we will do that.

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### SEXUAL ABUSE OF STUDENTS

**Mr Ernie Parsons (Prince Edward-Hastings):** My question is to the Minister of Education. Your government has known since 1995 of allegations of physical and sexual abuse against students at Sir James Whitney School for the Deaf in Belleville. Let me remind you of the process you put in place to deal with them.

You paid out over \$8 million, much of it to people who simply filled out forms. There was no investigation. The accused individuals had no opportunity whatsoever to clear their names. On the other hand, claims from victims of convicted abusers were denied because they were not told of the arbitrary cut-off date of December 1999, even though there is no statute of limitations on sexual abuse of children. You refused promised counseling, and you are ignoring claims from former students at the E.C. Drury school and the Robarts school even though there have been convictions.

Minister, will you confirm for me that although you have mispent millions of dollars, there are still hundreds of claims outstanding for physical and sexual abuse at provincial schools for the deaf?

**Hon Janet Ecker (Minister of Education, Government House Leader):** As the honourable member is no doubt aware, there has been considerable work done by staff and by legal officials to make sure this case is dealt with appropriately and that those who require compensation are getting compensation. It's a difficult, complex issue. There has been considerable work done to try to make sure those victims are helped and get appropriate support. It only underlines for me the importance of having in place the kind of legislation we brought forward to this House this month to prevent sexual abuse of students in schools such as this and in all our schools.

**Mr Parsons:** Minister, this shows you have no moral authority to lead the issue on safety for students. You have refused to provide counselling that you committed in writing to provide. You have refused to entertain claims from students who have been victimized by convicted abusers.

Your role is to ensure justice is done. Radio newscasts mean nothing to these students. Many are illiterate in written English. You didn't so much as do a press release



on this issue. You counted on word of mouth for the deaf community to find out that they were entitled to compensation. Your role is to ensure justice is done.

Minister, this has gone on long enough. Will you commit to reopening this entire issue and establishing a new, fair, open and well-publicized process to ensure that justice is finally going to be served?

**Hon Mrs Ecker:** It will not be surprising that I disagree with the honourable member's characterization of this situation. I would be very surprised if he would not support that there needs to be a process for determining claims. That process has been followed. There has been communication. I appreciate that the honourable member disagrees with that, but there has been considerable effort taken to try to assist individuals who have been abused in this fashion. It is unacceptable. It is not tolerated.

There does need to be help and assistance to victims in such circumstances. The government, with the advice of many legal and other appropriate officials, has taken great steps to try to provide that support. Again, it's one of the reasons the legislation is so important, so we can try to prevent this from ever happening again. It should not have happened. It is something that is unacceptable, and work indeed has supported and continues to support victims of sexual abuse.

#### TOURISM

**Mr Bart Maves (Niagara Falls):** My question is for the Minister of Tourism, Culture and Recreation. As the minister knows, tourism is vital to the economy of Niagara Falls and Niagara-on-the-Lake, and tourism everywhere in the world is down in the wake of the September 11 attacks.

Last month, representatives of your ministry's Ontario Tourism Marketing Partnership Corp came to my riding to present their 2002-03 marketing plan to my tourism operators. Could you explain to the House just what this corporation does and how it can now help tourism businesses in my riding and throughout Ontario?

**Hon Tim Hudak (Minister of Tourism, Culture and Recreation):** I thank the member from Niagara Falls and Niagara-on-the-Lake for the question and for his ongoing interest in tourism issues.

The Ontario marketing partnership is an agency of the province that receives a record \$170-million investment over six years from the Mike Harris government for tourism marketing, partnering with municipalities, the private sector and the industry. In previous governments, funding had been reduced substantially. We've built that back up with great success. In fact, you will probably hear that the first two quarters were record quarters in the Niagara Falls area.

We had the meeting in the Falls to share our strategy for 2002-03, which was very well attended, one of 15 across the province, and I personally enjoyed my opportunity to present the plan and participate in that meeting.

**Mr Maves:** Minister, tourism operators in my riding have told me that they need to market themselves aggressively in order to grow. Niagara Falls and Niagara-on-the-Lake are world-class tourist destinations, but not every tourism business has the budget to market itself internationally. How can your ministry help these businesses market themselves to a broad audience throughout Canada, the United States and the world?

**Hon Mr Hudak:** There's no doubt that whether it's Niagara Falls and Niagara-on-the-Lake, one of the leading areas in tourism in the province, or smaller parts of the province that are positioning themselves to be major tourism operators down the road, they can benefit from the programs of the tourism marketing partnership, whether you're a big operator in Niagara Falls or a more modest facility on Lundy's Lane or in Fort Erie, for example.

One of the new initiatives we launched this year is an e-marketing initiative to make sure that even the small operators can have an opportunity to benefit from the latest in e-marketing strategies, Web sites, e-mail, tracing where the interest is coming from so they can help to adjust their marketing plans accordingly—a great success of the Mike Harris government. I'm confident that with the dynamic part of the industry, the great attractions we have, the great potential, we can weather the storm that's going on internationally today and bounce back and have great tourism years in the future, as we did this summer.

#### WATER QUALITY

**Mr Pat Hoy (Chatham-Kent Essex):** My question is for the Minister of the Environment. There's a serious crisis in rural Ontario that has been created by your government through the downloading of water and sewage and the elimination of such programs as the Ontario water protection plan and Clean Up Rural Beaches.

Protecting our water right at the source is very important, and that is why I've written to you repeatedly, since your disastrous downloading exercises, on behalf of numerous constituents in my riding who have pleaded with your government to introduce new funding to replace the water protection programs that you have previously axed.

Recently I've been inundated by calls from concerned citizens. Your new guidelines concerning communal wells will be costly and beyond the means of owners and users. This government must understand the impact your legislation will have on the viability of rural communities across Ontario.

Rural Ontarians pay taxes and must be able to count on clean drinking water. Minister, will you provide immediate funding to assist them in complying with your new legislation?

**Hon Elizabeth Witmer (Minister of the Environment):** I will refer that question to the Minister of Agriculture and Rural Affairs.

**Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs):** Ensuring that rural and small-town Ontario communities remain viable, healthy and sustainable is a priority for our government. Certainly the rural economic development and the sustainability of infrastructure in terms of water quality is important to those communities.

In fact, we have already approved 210 option 1 study projects in terms of engineering analysis toward the solution of the water challenge that we have in small-town and rural Ontario. It's a rigid process to meet the drinking water requirements and regulations in the province. That is something we're working aggressively on to be able to have these communities work on their infrastructure and maintain them properly.

**Mr Hoy:** My question involves funding for these people who must comply with your legislation. Your government has done enough rehashing, repeating and reannouncing of funding commitments. It is simply irresponsible for your government to continue to turn your back on rural Ontario while you spend millions on partisan government advertising and millions more on consultants and spin doctors.

Communal well operators have only until December 31, 2002, to comply. Many of them will have no choice but to shut down, because they simply do not have the financial resources to meet the new guidelines. Rates will significantly rise for users. There will be serious health implications from cutting off water to residents who cannot afford the increased rates. Homeowners will have difficulty selling their homes. This will be a detrimental blow to rural Ontario. You must act now to ensure that everyone in this province has access to clean, safe drinking water.

Minister, will you allow for direct funding to flow today?

**Hon Mr Coburn:** As I indicated in my previous answer, we have the applications in front of us now, and the process has started in terms of approving these projects, the 210 projects we have in front of us now. We have approved the engineering study. That is a rigorous process so that we take advantage of new technology and the best technology and find the best solutions. That is working in concert with the municipalities that have submitted the projects.

As we work through those, the funding will be announced and the projects will move ahead expeditiously.

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#### NORTHERN TELECOMMUNICATIONS

**Mr Norm Miller (Parry Sound-Muskoka):** My question today is for the Minister of Northern Development and Mines. I understand that last week the Minister of Northern Development and Mines gave a videoconference address to the Emerging Technologies 2001 conference in Thunder Bay. I'd like the minister to tell my constituents in Parry Sound-Muskoka and other

members of this House more about this conference, the Emerging Technologies 2001 conference.

**Hon Dan Newman (Minister of Northern Development and Mines):** I'd like to thank the member for Parry Sound-Muskoka for his question.

I want to congratulate the organizers of this event—they were Thunder Bay Telephone and Contact North—for their hard work and success in attracting an estimated 300 to 400 registrants who travelled to Thunder Bay. I know too that my colleague the Minister of Energy, Science and Technology was supportive of this conference as well.

Emerging Technologies 2001 took place on October 3 and 4 and was made possible through the support of many sponsors, including Microsoft Canada. On October 1, in my capacity as the chair of the heritage fund, I was pleased to announce a heritage fund contribution of \$40,000 toward this conference. The heritage fund contribution helped make possible a productive dialogue on emerging technologies that will ultimately lead to increased economic activity in the north.

This conference was truly an outstanding event to showcase wireless and cutting-edge technology.

**Mr Miller:** I'm proud that our government has shown leadership in supporting innovative telecommunications in northern Ontario. I know how delighted the people in Parry Sound-Muskoka were in February of this year when the northern Ontario heritage fund was doubled from \$30 million to \$60 million, a \$300-million investment over five years.

I can also recall the Minister of Northern Development and Mines announcing new programs for the fund for infrastructure, including telecommunications. Minister, could you please give us some examples of new initiatives to support telecommunications in northern Ontario.

**Hon Mr Newman:** I'd like to take this opportunity to highlight a new initiative that is in place under the heritage fund that supports the expansion of cellular service along the northern highway corridors in our province. Already the Mike Harris team, through the heritage fund, has announced funding for three projects: \$1.7 million for the Atikokan-Fort Frances area, \$1.5 million from Kenora south to Highway 11 and \$2.5 million for the Greenstone to Constance Lake region.

We believe that more good news may be on the way, as we have funded projects to evaluate the requirements for improved cellular service in the Timmins and Sault Ste Marie regions. I want to assure you that the heritage fund will continue to play an important role in promoting telecommunications opportunities across the north, because the Mike Harris government remains committed to building strong communities in northern Ontario.

#### BEAR CONTROL

**Mr Gilles Bisson (Timmins-James Bay):** My question is to the Minister of Natural Resources. You know that ever since you abandoned the responsibility



for trapping and relocating bears and ever since you've downloaded to municipalities, nuisance bears have been endangering communities across northern Ontario. In fact, last month there was a 600-pound bear in the community of Dryden, terrorizing the people within that community; they were wondering if they were going to be at risk.

Two weeks ago, a black bear badly mauled a woman taking a walk in Peterborough county. The woman survived the attack, but the only reason she survived the attack is because her dog scared off the bear.

We're saying to you, Minister, a good safety policy when it comes to dealing with bears is not making sure that somebody has to keep their dog with them; it has to do with you as the minister making sure that the ministry does what it's supposed to do, takes responsibility and re-uploads the responsibility for trapping nuisance bears. Minister, will you do that?

**Hon John Snobelen (Minister of Natural Resources):** I thank the member opposite for the question. Obviously, it's a matter of extreme importance when the safety of anyone in the province is put in jeopardy because of a bear attack.

I might say there's a difference between nuisance bears as a general statement across communities in the province and those incidences which are truly a safety issue. The authorities in all the municipalities, I believe, know how to deal with attack situations where a bear might put someone's life in jeopardy, and they do respond quite quickly to those circumstances.

In the nuisance bear situation, obviously the reports of nuisance bears go up and down from year to year, depending on food supplies and other issues. We continue to work very closely with municipalities. We have an extensive amount of information available on our Web site, and I would refer the member's constituents to that Web site, which might help them avoid being irritated by nuisance bears.

**Ms Shelley Martel (Nickel Belt):** When the minister talks about Web sites, he obviously doesn't understand how serious this situation is. Minister, in my community alone there have been over 1,000 calls to the bear hotline this year, far more than ever before. There have been over 350 calls that the Sudbury police have been forced to respond to. That's five times more than last year. These are police resources that could be better used somewhere else. Police Chief Alex McCauley was correct when he recently said publicly, "This is definitely an MNR responsibility. The MNR has to be persuaded in the strongest possible way to take responsibility for this."

Minister, are you going to continue to ignore the health and safety of my community, or are you finally going to fully assume your responsibility for the trapping and relocating of bears?

**Hon Mr Snobelen:** I can quote from a letter on this very subject, funding for nuisance animals, to a municipality, in this case a letter from the Minister of Natural Resources to the city clerk at the corporation of the city of Thunder Bay. It says, "In recent years, with

reduced budgets, the level of this service has decreased and the ministry is moving toward a facilitation and partnership role in establishing new arrangements to address such public requests for action." That letter was dated, I believe, back in 1994, and was by the minister, Howard Hampton. Perhaps the member would like to talk to him about that subject.

### COMPETITIVE ELECTRICITY MARKET

**Mr Mike Colle (Eglinton-Lawrence):** I have a question to the Minister of Consumer and Business Services. Across this province there are these door-to-door energy marketers that are ripping off small business people, ripping off ordinary Ontarians, by making them sign five-year contracts for fixed rates when these five-year contracts aren't worth the paper they're written on. The rate for their energy is going up. They basically have no protection from your government. In fact, one company, Direct Energy, has over 1,600 complaints.

What are you going to do to stop this ripoff of small business and ordinary consumers in Ontario?

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** We've been working on, along with the Ministry of Energy, Science and Technology, consumer protections with regard to electricity contracts in an unregulated market. We thought we were at an agreement to put into place a code of practice which would be enforceable by the energy board. Unfortunately, one of the partners fell out of step with that, but we're hopeful to bring that particular partner, Toronto Hydro, into line in the very near future.

Our eye is on this particular problem. Of course, it is necessary for us to consult with all the partners that are involved in this, but the energy board is quite willing to be engaged in this particular practice if necessary.

**Mr Colle:** Mr Minister, this has been going on with your government for the last five years. Your government has stood by while ordinary Ontarians have been ripped off by these door-to-door energy marketers. They have no protection. In fact, these companies continue to misrepresent themselves, they continue to force people to hand over their energy bills, and your government has done nothing.

I want you to assure this House that you will immediately put a halt to these door-to-door sales. Instead of putting these propaganda things on television, why not give advice to consumers on what they should expect in deregulation? How are you going to protect them?

**Hon Mr Sterling:** Door-to-door sales, as you know, are part of our commercial transactions that go on from day to day. To say that our government has done nothing is just not there because, as you know, in August and May of this year we extended the protection in terms of door-to-door sales significantly by allowing a 10-day cooling-off period. Even if somebody signs a five-year contract at the door, they can negate that unilaterally within a 10-day period. So we have already started

consumer protection in that regard and, as I said in my previous answer, we are looking at other methods to deal with these kinds of consumer concerns that are going to be coming on the horizon with the deregulating of the electricity market.

1520

## PETITIONS

### EDUCATION FUNDING

**Mrs Marie Bountrogianni (Hamilton Mountain):** I have a petition to the Legislative Assembly of Ontario.

"Whereas 49 children are currently attending a JK/SK split class with two teachers; and

"Whereas the number of children, their respective ages and the physical restrictions of the classroom present enormous challenges to the educational well-being of these children; and

"Whereas the parents are concerned about their children's health and safety, as well as their intellectual, social and emotional development;

"We, the undersigned, petition the Legislative Assembly of Ontario to take immediate action to increase funding to school boards to adjust the funding formula and to cap primary class size at 20 students."

I affix my signature on this petition.

### OHIP SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly. It reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic areas of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, nerve therapy stimulation and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

This petition was sent to me by M. Glowaki of Hamilton. I'd like to thank the petitioner for gathering it, and I agree with these petitioners as well.

### CRUELTY TO ANIMALS

**Mr Garfield Dunlop (Simcoe North):** To the Legislative Assembly of Ontario,

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I'll sign my name to that as well and present to Meg.

### COMMUNITY CARE ACCESS CENTRES

**Mrs Sandra Pupatello (Windsor West):** To the Legislative Assembly of Ontario,

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of \$175 million due to a funding rollback by the provincial government; and

"Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services, so as to ensure that community care access centres can provide the services that Ontarian working families need."

This comes to us from the region of York, and I read this on behalf of those constituents.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr Peter Kormos (Niagara Centre):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day



for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances;

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens;

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances in work; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer; and

"That the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

I have signed that petition.

#### AUDIOLOGY SERVICES

**Mr Rick Bartolucci (Sudbury):** This is a petition to the Legislative Assembly of Ontario and it's entitled "Listen: Our Hearing is Important!"

"Whereas services delisted by the Harris government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I affix my signature to this petition.

#### NURSES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** "To the Legislative Assembly of Ontario:

"Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

"Whereas there is a chronic nursing shortage in Ontario; and

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

"Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; ensure front-line nurses play a key role in health reform decisions."

This is signed in this case by a number of people from the Sudbury area. It adds to the over 10,000 people who have signed this petition, and I add my own signature once again in agreement with their concern.

#### AUDIOLOGY SERVICES

**Mr James J. Bradley (St Catharines):** This petition reads:

"To the Legislative Assembly of Ontario:

"Whereas services delisted by the Harris government now exceed \$100 million in total;

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I affix my signature. I'm in agreement.

#### POVERTY

**Mr Mario Sergio (York West):** I have another petition addressed to the Legislative Assembly of Ontario.

"Whereas we are seniors and low-income people finding it very hard to live and pay all expenses every day; and

"Whereas with all the increases in our utilities in the last several months, we no longer can afford to have a

warm house, or buy enough of a variety of foods, or buy some of the drugs that we desperately need; and

"Whereas we feel helpless, abandoned, and totally neglected by our own government; and

"Whereas, without some sort of assistance from our government, either in terms of subsidy or lowering the cost of utilities, especially the gas for heating, we will have to seriously limit the quality and quantity of prescription drugs, or decide to buy food or pay the ever-increasing utility costs;

"We, the undersigned citizens of Ontario, petition the Legislative Assembly of Ontario to help us live in dignity and with compassion and care."

I will affix my signature to it.

1530

### OCCUPATIONAL HEALTH AND SAFETY

**Mr Peter Kormos (Niagara Centre):** I have yet another petition addressed to the Legislative Assembly of Ontario.

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances known as carcinogens; and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens;

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances in work;

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer; and

"That the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

I've signed that petition as well.

### ONTARIO PUBLIC SERVICE

**Mr Pat Hoy (Chatham-Kent Essex):** "To the Legislative Assembly of Ontario:

"Whereas the November 2000 announcement of massive privatization of Ministry of Transportation services will have a significant detrimental effect on citizen road safety, confidentiality of citizens' information and on the economy of Ontario; and

"Whereas the employees of the Ministry of Transportation are recognized in writing by the provincial government to have provided excellent service on the government's behalf; and

"Whereas the government of Ontario is taking away the livelihood and decreasing the standard of living of thousands of employees and families by its actions both directly and indirectly through spinoff effects; and

"Whereas citizens of Ontario are entitled to safe roads, consistency in driver testing, and competent truck inspection, school buses and vehicles carrying dangerous goods; and

"Whereas communities continue to need to retain decent-paying jobs if they are to maintain viability and vibrancy; and

"Whereas we taxpayers have entrusted the provincial government with the maintenance of public safety with an apolitical and efficient public service, a service free of profiteering and protected from conflicts of interests; and

"Whereas privatization is an abdication of such public trust;

"We, the undersigned, petition the Legislative Assembly of Ontario to place a moratorium on any further privatization and to restore and promote public service as being of significant value in our society."

I sign this petition.

### AUDIOLOGY SERVICES

**Mr Steve Peters (Elgin-Middlesex-London):** "Whereas services delisted by the Harris government now exceed \$100 million in total;

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas a new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

"Whereas this new Harris government policy is virtually impossible to implement in underserved across Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of all Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

This is signed by over 200 constituents of Elgin-Middlesex-London and I will sign my signature in full support.

### REQUEST FOR PUBLIC INQUIRY

**Mr John Gerretsen (Kingston and the Islands):** I have a petition that's addressed to the Legislative Assembly of Ontario. It's a local petition and it states:



"Whereas Sharon Reynolds, a seven-year-old young girl, died tragically; and

"Whereas the crown's case against Louise Reynolds was not proceeded with; and

"Whereas there are many unanswered questions relating to the circumstances surrounding the death of Sharon Reynolds,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Premier of Ontario and his cabinet colleagues call upon the Lieutenant Governor in Council pursuant to section 2 of the Public Inquiries Act to order a full and independent inquiry into the death of Sharon Reynolds."

I agree with the petition and have signed it. It's also been signed by about 13 individuals. I'm handing to Emma McGuire, our page from Kingston.

### COMMUNITY CARE ACCESS CENTRES

**Mr Mario Sergio (York West):** I have a further petition addressed to the Legislative Assembly of Ontario.

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of \$175 million due to a funding rollback by the provincial government; and

"Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services, so as to ensure that community care access centres provide the services to Ontario's working families."

I will affix my signature to it.

### HOME CARE

**Mr Rick Bartolucci (Sudbury):** This petition is to the Legislative Assembly of Ontario.

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond the control of community care access centres; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability

Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year."

I affix my signature as I'm in complete agreement.

### MOTIONS

### ORDER OF BUSINESS

**Hon Janet Ecker (Minister of Education, Government House Leader):** We've worked out unanimous consent as to how we would like to proceed with a bill this evening. I would like to ask for unanimous consent to move a motion regarding the terms of this evening's debate on Bill 30, on organized crime.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mrs Ecker:** I move that, notwithstanding the motion dated October 1, 2001, G30 be called as the first order of the day this evening; that the Speaker shall recognize no further speakers from the government caucus or from the official opposition; that the Speaker shall recognize up to two members of the third party to speak to the second reading stage of the bill, after which time the question shall be put and the vote may be deferred; that, at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy; that the standing committee on justice and social policy shall be authorized to meet in Toronto for one day of clause-by-clause consideration of the bill.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

**ORDERS OF THE DAY****FOOD SAFETY  
AND QUALITY ACT, 2001****LOI DE 2001 SUR LA QUALITÉ  
ET LA SALUBRITÉ DES ALIMENTS**

Resuming the debate adjourned on October 2, 2001, on the motion for second reading of Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts / *Projet de loi 87, Loi visant à réglementer la qualité et la salubrité des aliments, à apporter des modifications complémentaires à d'autres lois et à en abroger d'autres.*

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I'll be sharing my time with the member for Hamilton Mountain.

**Mrs Marie Bountrogianni (Hamilton Mountain):** I rise to debate Bill 87, the food safety bill. The Ontario Liberals support the idea behind this bill. Of course everybody supports the idea behind food safety. But we oppose this bill because there is no commitment of additional funds to implement it. OMAFRA's food inspection budget has been cut by 45% by this government, and the number of food inspectors has been cut by 38%. Even before these new responsibilities are added, it's obvious that Ontario's food inspection service is overstretched.

Secondly, almost all the important details in Bill 87 are in the regulations. We haven't seen these regulations on any side of the House. An overarching theme of the entire bill, however, is that food safety will be delivered, and I quote, "as much as possible through alternative delivery mechanisms." We believe this is Toryspeak for privatization, downloading or dumping responsibility on to farm commodity groups.

You would think after Walkerton that we would have learned that government does have a role in safety, environment and food regulation. As well, as my colleague Steve Peters has pointed out, there isn't any coordination with the Ministry of the Environment. There should very well be coordination and communication with that very important ministry with respect to this bill.

1540

The budget for food inspection and food safety has declined by 45%, from \$12.5 million to \$7 million this fiscal year. The number of inspectors has declined from 130 to 80. There are now only five enforcement officers for the entire province. This sounds very familiar. It really reminds me of the debates after the fact after Walkerton.

Another important food safety resource that is drastically underfunded is the animal health lab at the University of Guelph. Millions of dollars in cuts have let the animal health lab's ability to monitor antibiotic resistance drop. It has also seen its ability to conduct surveillance on emergency animal diseases drop. The government's response to these vital concerns has been

to say that farmers and the public should rely more on farm organizations and the private sector to perform these vital food safety services.

The province is looking to repeal the Edible Oil Products Act within this new Food Safety Act. This is a drastic change of policy for the province of Ontario. The blending of oil products with dairy has been forbidden in both Ontario and Quebec. To contain any of the following words or labels, a product may not contain any vegetable-based oil like butter, cream, milk or cheese—up until this point in time, consumers were assured that the contents of the dairy case were truly dairy products. Not any more; not with this bill.

Both the provinces of Ontario and Quebec have vigorously defended in the courts their prohibition of blending. The government did not consult with the industry before making this particular decision. This came as a complete surprise to the industry, and the minister did not seem prepared to discuss it with the dairy industry earlier at the launch of Agriculture Week. The government is using the political excuse of interprovincial trade and not wanting trade challenges from other provinces. This is an interesting argument, considering Ontario and Quebec make up 80% of the consumer market and production. Perhaps rather than worry about the other 20% of the market challenging us, we should be challenging them.

The ultimate goal of the Food Safety Act is to have across-the-board national standards. We support this. For most provinces, this means raising the bar up to national standards. But the question we need to ask ourselves is whether or not we are moving down to national standards in Ontario.

The soybean growers are endorsing this proposal, but research has shown that companies that market these products do not tend to use soy. Most often used are the cheaper offshore oils, like coconut and palm oils, and they require less, if any, hydrogenising. The dairy farmers of Ontario have some valid concerns about the health and nutrition of Ontarians if the repeal of the Edible Oil Products Act goes through without proper consultation. Considering the minister does not appear to want to speak with them, it is on their behalf that we, the Liberal Party, raise these concerns.

The change this government is pursuing will allow the mixture of hydrogenated vegetable oils with dairy products, sneaking these products into the dairy case under such guises as I Can't Believe It's Not Butter! or spray cheese. This will increase the consumption of trans fatty acids and the risk of heart disease. The Ontario dairy industry has extensive information about how the government's food safety plans can proceed while eliminating or minimizing the proven risk to the health of Canadians.

The minister must demonstrate that this government is committed to the health of Ontarians and properly and extensively consult with all stakeholders and, as they said earlier in the Legislature, work with them in partnership. This is a very drastic change in food policy, and to just



arbitrarily repeal the Edible Oil Products Act is unacceptable.

I want to bring attention to an article of October 2001 from the paper *The Grower*. The headline of the article is "Food Safety Enabling Legislation: Growing Concerns over Bill 87." The article reads:

"The bill is causing some concern for industry stakeholders as it moves closer to ratification.

"At a recent information session in Guelph, industry leaders had a chance to learn more about Bill 87, its intent and its probable impact on food producers. At the close of the session, guests were invited to ask questions and provide feedback."

Michael Mazur, who is the executive secretary to the Ontario Fruit and Vegetable Growers' Association, "took the opportunity to question the government's commitment to protecting the horticultural industry. He asked if officials would comment on the ministry's position with respect to including provisions to protect the economic competitiveness of producers within the legislation." Because there isn't any money committed to this, some mom-and-pop operations that have been going on generationally are at risk. They have to foot the bill for implementing this new policy.

"Where is the government's social conscience in terms of this issue, and what is the government providing in terms of a backup so that producers can retain their competitiveness?" he asked." Beverly Alder, coordinator of legislation and regulation for the food safety system development branch of the agriculture ministry responded to the concerns "with assurances that the food safety legislation will increase the marketability of Ontario-grown produce," but did not add any details as to how this would be done.

"Other interested parties reiterated Mazur's concerns throughout the question and answer period. Several criticisms focused more on the exclusion of provisions to protect primary producers from the biohazards that are associated with visiting inspectors. 'I hear some serious problems in here with respect to biosecurity,' said one gentleman. 'I don't like what I see and I suspect that the people overseeing this legislation have very little agricultural experience. From what I see here, the costs and risks of this are all going to be dumped on to the producers.'"

I want to refer back to my colleague Pat Hoy who, in an earlier debate on this bill, basically talked about the many, many smaller organizations—not the large conglomerates, but the smaller organizations. The picklers, the people who jar jams and so forth are extremely concerned. One of his constituents estimated that it would cost her tens of thousands of dollars to implement this without additional resources. Perhaps in the regulations that will magically appear. We're waiting for that, but at this point, there's a great deal of concern out there in the rural communities as well as in smaller towns.

Mr Hoy referred to the "mom-and-pop small businesses that are across rural Ontario," that have worked "hard to maintain that family name"—quite often

that family name appears on the jars and on the packages—"the pride of ownership and the trust that they have earned from their clientele, which is repeated over and over again with their visits to their market. They have developed a long-time, loyal and confident consumer base." It's this consumer base which has these concerns and which we're representing today in this debate. As I mentioned earlier, a lot of these are generational. Kids have inherited these businesses from their parents or their grandparents; they've been there for almost a century and they are extremely concerned that they will lose their heritage if proper funding of this bill isn't in place.

Who are these people? These are people who have created new wealth and jobs for rural Ontario. They hire people to come in and help them during the rush season, sell the product and pick the fruits or vegetables, along with their family members. They've developed name recognition within their own communities that is identifiable by all and they've also created a name for their business, their farm and their product that is well known elsewhere.

If indeed the regulations reflect solutions to these concerns, we may relook at the bill and support it on this side of the House. But at this point in time, this bill looks like a nice media practice or a spin, that, "Yes, we are going to do something," but actually has no resources to back it up. Again, I reiterate, you would think after Walkerton we would have learned the lesson that perhaps privatizing certain areas of responsibility is not the way to go—health care, environment, education, agriculture, food safety. There have to be strict regulations across the province, resources to back the implementation of new acts as well as consultation with those who are directly affected. The fact that they were not consulted with respect to the Edible Oil Products Act being repealed and brought into this act is actually a surprise. It just seems common sense to have consulted people who are directly related to the repealing of an act and absorbing it into another act.

Again, I want to reiterate on behalf of the Ontario Liberals and my leader, Dalton McGuinty, that we support the notion of food safety. Of course we do. Most of us here are parents and grandparents. We care about our own health and our children's health. But without the resources to back this act, it's just another exercise in media relations, of trying to fool the public that you will do something about something which clearly, unless the resources are in place, will fail.

**The Deputy Speaker (Mr Michael A. Brown):** Questions and comments?

**Mr Peter Kormos (Niagara Centre):** Our member for Hamilton West will be speaking to this bill shortly, when his opportunity arises in rotation. I'll be speaking to it later today. The bill is of great relevance to the part of Ontario where I come from, down in Niagara region, in the communities of Welland, Thorold, Pelham, south St Catharines, because Niagara region, of course, has an incredibly strong agricultural base. The food production

industry, both livestock and crops, is a significant part of the economy down there.

1550

None of us are alien to some of the shocking news revelations regarding the illegal slaughterhouses, which drew a whole lot of people's attention to problems in that particular industry. But I want to make it very clear that I know many of these food producers down in Niagara. I know that they have been in compliance with and are eager to comply with fair legislation. But I also know a whole lot of the former inspectors whose jobs have been cut, the same inspectors who tell me that they've lost their jobs in the public sector, and then more than a few have been hired on by way of contract for 10, 15, 20 hours a week earning picayune incomes, where the enthusiasm is long gone.

I have been warned by these very same inspectors about the dangerous prospect of privatization. Again, those now ubiquitous clauses, those ubiquitous sections, are in this bill too, the ones that permit the contracting out, the privatization of these inspection services, a very dangerous prospect. I hope and trust that this government, this Legislature and its members, will focus very much on the dangers of the privatization prospects that are in this piece of legislation.

**Mr Doug Galt (Northumberland):** Thanks to the member for Hamilton Mountain. Obviously she did quite a bit of research prior to speaking on this particular bill. But I would point out that I'm commonly hearing from members of the opposition that there are no funds attached to this particular piece of legislation. Of course there aren't, because it isn't a budget bill. Funds come with budget bills, and this is not a budget bill; this is another typical bill that goes through the Legislature. Regardless of the stripe of government, this is indeed consistent.

I was very pleased to hear her express concerns about the Animal Health Laboratory in Guelph, certainly an exceptional laboratory with exceptional veterinary pathologists who work there. I was very pleased to hear her comment on that.

She was also commenting on the commitment to health in this province. I just wish that her counterparts in Ottawa were in fact committed to health in Ontario as well as maybe in all of Canada. But there's a marked lack of commitment to health on the part of the federal Liberals, particularly the Minister of Health, the Honourable Allan Rock. It would be very nice if they would come on side with the province of Ontario and support health.

There was a comment made about economic competitiveness in our agricultural sector. That's certainly something that the Minister of Agriculture, Food and Rural Affairs, the Honourable Brian Coburn, has been very concerned about, and he has been designing a made-in-Ontario safety net type of program that is certainly being recognized by leaders.

The other one that she commented on is biosecurity, a really good point both in this particular bill as well as

with the nutrient management bill. It's certainly something that farmers are concerned with, and rightly so, the biosecurity in both of these bills.

**Mr George Smitherman (Toronto Centre-Rosedale):** Speaking of nutrient management, the member who preceded me sure got his two minutes' worth.

I must say that here again I want to follow up and comment on the excellent presentation by my colleague from Hamilton Mountain. She makes thoughtful observations on a bill that has none of the follow-up required to in fact make it of the considerable value that it could be to the citizens of this province.

We had this presentation from the member for Northumberland, who even in a short period of time, when he was to be focusing his comments on the excellent presentation by my colleague, managed to get a little good-time fed-bashing in there.

It strikes me that on a bill where we in the opposition have been very clear to point out to the government that they have failed yet again to do the necessary task of putting in place the resources to do as the bill promises to do—this government is a one-trick pony, and that pony is getting a little tired of being pulled out—

*Interjection.*

**Mr Smitherman:** It's making noises—and put on parade but not fed properly. That's really what this government does to the public service in Ontario.

*Interjection.*

**Mr Smitherman:** I hear the rather bellicose Minister of Labour, here for his afternoon feeding, and I want to say to that member that his ministry, the Ministry of Labour, is but one more example of this government's attitude to everything. Put a big, loud spokesperson out front who makes promises but create nothing more than a symbol of a ministry that was once great and has no resources available to do the necessary investigation or regulation.

**The Deputy Speaker:** Questions and comments? The member for Timmins-James Bay.

*Interjection:* Now we'll get the bare facts.

**Mr Gilles Bisson (Timmins-James Bay):** Yes, I've got to say you will get the bare facts from me.

I guess part of the difficulty we have with what the government is doing with this legislation is that the details are going to be coming in the regulations. It's almost a pattern this government has when it makes enabling legislation that they give us nice, good words in the legislation, and the title of the act sounds good. As a member of the Legislature, either government or opposition, you say, "I kind of like the title, and I kind of like what the bill says." But when you read the bill, it doesn't do anything.

What this bill basically does is consolidate a number of issues into one bill, which most of us would agree with. But when you look at the details of how we are going to make the processing and distribution of food safer, there are really no details, because all that is left to regulation after. So we're being asked by the govern-



ment, "Trust me." They're saying, "Don't worry; be happy. Just trust me."

We say we've been down this road before. As New Democrats, we've seen the government come into the House, introduce legislation and tell us they're going to do one thing. But when the regulations come out, it's totally the opposite thing. So I have some difficulty, and I'm asking the government, in the time it has here at second reading, to tell us what they're going to put in the regulations so we clearly understand what steps this government really wants to take when it comes to food safety.

The other point I want to make is simply that the government talks a good line, again, by way of the language of the title of the bill. But when you look at what their actions have been over the last five or six years, you've really got to say it's not exactly a stellar record.

They reduced—I should say they fired—food inspectors across Ontario in great numbers in their move to restructure government, and as a result we now have fewer food inspectors. You can toughen the legislation all you want, but if you've got nobody minding the candy store, we're in deep trouble.

**The Deputy Speaker:** Response?

**Mrs Bountrogianni:** I'd like to thank all the members for their responses, but I want to reiterate one point. I think the one thing we all learned from Walkerton, on all sides of the House, is that there has to be more coordination between ministries. This act was lacking in this area, as were other acts formerly that had to do with the environment, which may have led to the crisis at Walkerton; that is, the Ministry of the Environment should have been doing this in conjunction with the Ministry of Agriculture. I think that's an obvious gap, and there's no shame in saying, "It was an oversight. Let's start from the beginning and do this right."

I want to reiterate that the Ontario Liberals are for food safety. But let's do this right. Let's not just have a media exercise. You cannot implement anything without the appropriate resources. Without looking at any draft regulations at all, how do we know what we're even supporting? There is even the failure of any mention of the Ministry of the Environment here.

It is one thing to have legislation in place. But again, much like the nutrient management legislation that we saw previously, there is no financial commitment here. Let's reiterate that in 1993 there were 130 inspectors inspecting the meat industry in this province. There were 50 less in the year 2000. We're down to 80 inspectors. You're talking about the importance of food safety and what you want to do, but you're not backing it up with the resources needed. We've seen the budget in this area fall from \$12.5 million to \$7 million. So you're asking people to do more with much less, and this is really going to affect the smaller organizations, those mom-and-pop shops, those family businesses that have been doing this for years. Those are the people you will be hurting.

You've done this without consultation, without coordination with the Ministry of the Environment and without the appropriate resources—another media exercise.

1600

**The Deputy Speaker:** Further debate?

**Mr Bert Johnson (Perth-Middlesex):** I want to add my comments to this debate on Bill 87. I represent all of Perth county and about a third of Middlesex. Most of you are aware that those are very food-productive parts of the province. The safety and quality of food is very important to my constituents.

Ontario has an enviable reputation for food safety, with some of the highest standards in the world. I want to assure everybody that Ontario food is safe. But we can and must do better to protect the public and to ensure that our agri-food businesses remain competitive. Ontario's current food inspection system has served the interests of people well. However, the system was originally developed several decades ago and has not kept pace with the sometimes rapidly changing developments in the area of food safety and quality.

Several factors contribute to the need for modern food-safety legislation. Advanced technology, the diversification and aging of our population and changes in lifestyle have encouraged the introduction of new or more convenient foods and beverages. We eat different foods now, including more ready-to-eat products such as bagged salads. My grandmother would be interested to know that I had a sandwich made with pita bread for lunch. I can remember visiting her home several times as a kid. She never baked pita bread. Food is more widely distributed, and we eat foods from around the world. Trade requirements are changing. New, more persistent types of food-borne bacteria have been identified. We must continually and proactively improve our food safety systems with regard to safety and quality to address the risks that come with such changes.

The agri-food industry in Ontario is worth \$28 billion annually. Bill 87 will help ensure it is well equipped to meet the demands of the future. Food safety is a very important issue to a great many people. Anecdotal evidence suggests that almost everyone has had, or knows someone who has had, a food-borne illness. Fortunately, most of the time, the illness is only a short-term inconvenience. Food-borne illnesses, though, can be serious.

If we can help make sure Ontario's food is even safer, we must do so. Proactive action such as Bill 87 is needed. Consumers rely on action such as Bill 87 for food producers, manufacturers and retailers to ensure that the safety of their food is excellent. They also expect governments to exercise their authority to set food safety and marketing standards and to make sure the standards are met.

Times, as we know, have changed. In my younger days, my family belonged to a beef and food ring. As some of you know, that was where you and your neighbours got together and butchered a pig or a cow and

ate the results of that for as long as they lasted, and then one of the other neighbours would contribute and you would just keep going. Those farmers relied on their neighbours' skill and help, and they knew that it was safe because they were there to participate. We don't have the advantage of that now. Ready-to-eat foods form a greater part of our diet. We're eating foods from around the world, and our legislation needs to change too.

For example, there are currently no specific food safety standards that address certain risks we now recognize as being associated with the production and processing of some fruits and vegetables. This has been demonstrated in recent years by outbreaks of illnesses associated with unpasteurized cider, sprouts, imported raspberries and mussels from the east coast. Bill 87 would give us the ability to deal with food safety issues as quickly as the world changes. Science-based risk studies have shown us that the process is a key tool in controlling potential hazards to the end products.

Some of you will remember that it was the Federation of Women's Institutes in Ontario that insisted in the early days that milk be pasteurized. We have institutions such as the women's institutes to be thankful to for that part of food safety.

Currently, food inspections are under the jurisdiction of three ministries and seven provincial statutes: the Ministry of Health and Long-Term Care, with the Health Protection and Promotion Act; the Ministry of Natural Resources, with the Fish Inspection Act; and the Ministry of Agriculture, Food and Rural Affairs, with the Dead Animal Disposal Act, the Edible Oil Products Act, the Farm Products Grades and Sales Act, the Livestock and Livestock Products Act and the Meat Inspection Act.

The Ministry of Health and Long-Term Care's Health Protection and Promotion Act has been updated in recent years, but the six food-related statutes under OMAFRA and the Ministry of Natural Resources have not. Those food-related statutes are not as effective and efficient as they could be. They must be modernized to take advantage of the current levels of scientific knowledge, national standards and industry initiatives. Bill 87 is enabling legislation that would consolidate the food safety and quality components of six existing food-related acts.

We heard not so long ago that the regulations aren't accompanying the bill. Of course we in this House all know, even those who criticize that very fact, that regulations are never developed until an act has been passed. I guess it's a little like the chicken-and-egg argument, as some will recognize. There would be no reason to have regulations if the bill didn't pass. Therefore, we wait until it's passed before the regulations are published, not necessarily all developed afterwards.

Bringing these together would allow for a common, consistent approach to food safety and quality in the province, making our food safety systems stronger. Between the Ministry of Health and Long-Term Care and the Ministry of Agriculture, Food and Rural Affairs, we would truly have field-to-fork coverage of our food

system. The broad scope of the proposed legislation would increase the confidence of Ontario's food products not only for provincial consumers but for existing national and international markets and perhaps new ones. They all expect and deserve the highest level of safety and quality. Bill 87 would help ensure that Ontario's agri-food industry delivers.

The scope of the foods covered by Bill 87 is defined broadly and would be complemented by more specific regulations. It includes food, plants, animals and fish intended for use as food, and covers all those items currently regulated under the six food-related statutes that would be consolidated. The scope of activities under Bill 87 includes, among other things, the food safety and quality aspects of production, harvesting, packaging, processing, transportation, distributing, grading and advertising of anything with respect to food. These broad definitions mean the proposed legislation is flexible. It would be able to adapt to changing and emerging food hazards as well as new developments in science and technology, ensuring a safe quality of food supply for the people of Ontario.

The bill provides for effective and efficient legislation that avoids duplication and overlap with other jurisdictions. It provides a legislative framework to allow the government to minimize the risk of a food safety hazard as well as permit a more effective coordinated response to situations that present critical food safety risks.

Any new legislation is only as good as its enforcement. To address this, Bill 87 contains various tools and powers for use in administering and enforcing the act and its regulations, and most importantly, to protect the public in situations where food or animals or plants that may be used for food appear to present food safety risks. What constitutes a food safety risk is clearly defined in Bill 87 and only applies to the designated foods.

#### 1610

I just wanted to say a word about the inspectors because we've been told two figures: one is that inspectors have been reduced from 130 to 80. That would be a reduction of 50, according to the math that I learned at school. But the other figure the same speaker gave a few minutes ago was that the inspectors had been reduced by 37. So I'm not sure if it's 37 or 50, but I think the people of Ontario deserve to know why that is. The reason for that is that this government, in concert with the federal Department of Agriculture, has tried to combine inspectors in certain areas. A few years ago for instance we couldn't see why, if an abattoir was killing a cattle beast, both a federal and a provincial inspector had to be there. The reason, of course, was that if any of that beef crossed the provincial boundary into either Manitoba or Quebec, it had to be inspected by a federal inspector, and if it was all going to be consumed presumably within the province of Ontario, then an Ontario inspector had to inspect it.



But the process had a lot of duplication, and I wanted the people to know that I don't consider the reduction in the inspectors as a criticism; I take it as a compliment. If we can have one inspector instead of two, still guaranteeing that the food is safe, because it has to be just as safe for the consumers in Ontario as it does in Quebec and Manitoba, then why should one inspector not do, given the proper training and tools he needs to practise his trade?

Where there are grounds to believe that a food safety risk constitutes a significant risk to public health and safety, inspectors could be authorized to trace the food safety risk wherever it occurred in the food chain. I just want to illustrate that the HACCP program within food processing companies, very similar to the ISO designation that manufacturing and transportation companies and those sorts of companies have, will enable that to be done. The livestock growing industry is adapting that as well, and those that are producing cereal crops, corn and those sorts of things will as well. I haven't heard about it in fruit and vegetables, but I assume that will be the next step.

Inspectors would have the power to issue orders to prevent, control and eliminate risk. Bill 87 would have clout. While Bill 87 was being developed, there was general agreement that current penalties under food-related statutes were not adequate. Stakeholders, and I should tell people that those stakeholders are s-t-a-k-e, indicate that penalties needed to be increased to defer potential offenders and minimize public safety risks due to food safety issues. Bill 87 would do this.

Regulations that would be developed under the proposed legislation would address risks along the food continuum that has been identified using science and technology. Inspection programs would be modified to take advantage of this and would become more science-based. They would focus on those parts of the food continuum that have been determined to be high-risk. The agri-food industry has taken many steps of its own to minimize food safety risks.

Bill 87 would provide the backbone for a science- and risk-based food safety system. The regulations that would be developed under Bill 87 would put Ontario's food safety system on a firm, science-based foundation. This means that we would take advantage of new science and technology that are available. We could ensure that standards for the quality and safety of food products in Ontario are not arbitrary but are based on science that has shown what are the higher risks in the safety of our food.

Because Bill 87 is enabling legislation, as new science and technologies are developed we would be able to take advantage of them quickly and easily, ensuring that members remain at the forefront of food safety and quality with modern, effective legislation governing the agri-food industry.

The Ministry of Health and Long-Term Care and the Ministry of Natural Resources were key supporters during the development of Bill 87. These ministries

continue to work with OMAFRA in ensuring the safety of Ontario's food from field to fork.

The agri-food industry in Ontario has been working hard at this for years. It is partly thanks to their diligence that we have such an enviable reputation for food safety and quality. Bill 87 would allow everyone to play their roles more effectively. Food safety is recognized as a key strategy for the marketing of Ontario food products.

In addition to traditional inspection methods that have provided a high degree of protection for consumers, industry and governments are adopting scientific advances in practices and technology to further reduce the incidence of food-borne illnesses. To varying degrees, sectors in the agri-food industry are already implementing quality assurance and process control systems to provide buyers with food safety assurances and to demonstrate and document a commitment to food safety.

The regulations will be forthcoming after the bill—if it is passed—has been passed. I would ask that if the members who have been listening so attentively this afternoon have some comments about the issues I have brought forth in my remarks on Bill 87, they be given that opportunity now.

**The Deputy Speaker:** Questions or comments?

**Mr Rick Bartolucci (Sudbury):** I guess what the member forgot to do was to talk about the shortcomings of this bill. I think the members on both sides of the House would have loved to have seen some draft regulations. I don't think there's an issue with food safety, about getting buy-in. Everybody—everybody—in the province of Ontario is concerned about our food, and we want what's best for the people of Ontario.

But the people of Ontario also want to ensure that the bills that are passed will be in their best interests. I would suggest to you that this would have been one bill where it would have been very appropriate to ensure that we see some draft regulations. The argument from the government is that you don't see regulations until you see the bill. Well, that's not true, because there have been precedents set in this House on many occasions by all different governments that in fact draft regulations have been presented. I suggest that this is one time when that would have been very appropriate.

We on this side of the House have some concerns with regard to the commitment the government is going to make to ensure, once the bill is in place, there are sufficient resources to ensure that the mandate—whatever that may be, because we haven't seen any of the regulations—is carried out in an expeditious and a very complete way.

If you look at the government's history, you'll see that they've cut the budget by 45%. I suggest to you that it has had a profound effect on enforcement. Charges are way down because there just aren't the enforcement officers in place to ensure that every precaution is taken.

So I guess a word of advice to the government is, show us some draft regulations so that we on this side of the House can have some buy-in.

1620

**Mr Kormos:** Well, I did listen carefully to the speech by the member from Perth. His comment that the regulations are forthcoming is indisputable, but that's the problem. This bill should go to committee. As a matter of fact, New Democrats are insisting that it have committee hearings. But those committee hearings are going to be incredibly hampered by the absence of the regulations. There are any number of people out there, any number of participants in our agricultural food production industry, who would dearly love—indeed, feel compelled, have a responsibility—to participate in a discussion about the actual standards that are going to exist, about the actual enforcement techniques or tactics that are going to exist.

One of the things we've got a responsibility to do is to ensure the safety of food products. We also have a responsibility to ensure that the little guys, the kind of people who tend to operate down where I come from in Niagara region—I know the member is no stranger to that type of operator. We've got a responsibility to make sure that they are protected, to make sure that the standards that are imposed are not so onerous—I'm not talking about standards that are necessary to protect public health and safety, but that the standards that are imposed are not so onerous that they create a real prejudice, a real bias in favour of the big packers, for instance, in favour of the big Canada Packers and Swift's meats and operations like that, as compared to the small operators, family-run operations, as often as not farmers who are working at an industrial job in addition to running their farms. These folks—you know that—are doing double duty. These folks are working double shifts every day, producing good-quality food for their communities. That's why it's critical that regulations be put forward. That can be done at committee.

We'd love to hear from this government that if it's not going to be part of the bill, those regulations at least be tabled now.

**The Deputy Speaker:** Questions, comments?

**Mr Galt:** I just rise to compliment the member from Perth-Middlesex on an excellent presentation—well-delivered, excellent content, very thoughtfully researched and put forward. The people from Perth county and Middlesex should be very proud to have a member who would go into this kind of depth to put this forward.

He mentioned things like tracing a risk and the HACCP program and drew the parallel—I thought it was quite interesting—with ISO programs that are in industry. I thought it was just an excellent comparison that he drew. He also talked about a science- and risk-based system that this particular piece of legislation would promote. Really that's the whole substance of what we're talking about here in this bill of food safety and quality.

He also referred to it as being on a firm science base, a seamless system of a food chain. We commonly refer to that as "from field to fork," just a great slogan that the ministry and also the people in rural Ontario have as they work with their food system.

What I'm hearing from the opposition is that they're more concerned about partisan politics and playing that kind of game than they are about food safety. All they can really criticize on this is that the regulations aren't here. Well, that's the way most bills go through. They indicate that maybe there have been some others—I don't remember any—from 1985 to 1995. But really, rather than them playing partisan politics, they should suggest what could be used to improve this bill when in fact it's all about strengthening the food safety system here and updating the standards in the province of Ontario.

**Mr John Gerretsen (Kingston and the Islands):** I too found the comments of the member from Perth-Middlesex very interesting, particularly the point when he said that you'd have two inspectors going in to inspect something, and why would two go in if only one was needed? I think everybody would agree with him on that, but I think he should also go back to the facts as to what's actually happened within the Ministry of Agriculture in the last six years.

Here are some of the facts. In the food safety and inspection area, the budget has been reduced from \$12.5 million to \$7 million, a decrease of 45%. He should have told the people of Ontario that. He also should have told us that the number of OMAFRA inspectors has decreased from 130 to 80. As a matter of fact, in the province right now there are only five enforcement officers, five people who can lay charges with respect to food safety issues.

The other interesting statistic is that in the three-year period between 1996 and 1999, there were only 18 charges laid. No, I should be correct. Eighteen people or corporations were convicted of breaking food safety rules: 18 in a three-year period.

I think what the people of Ontario want is to make sure their government has an inspection system in place whereby they can be guaranteed that the food they consume on a daily basis is safe for them to eat. With the drastic cuts this government has initiated in this ministry over the last four to five years, they certainly don't have that assurance. This act is not going to change that at all until the government decides to put sufficient resources into this whole area.

**The Deputy Speaker:** Response?

**Mr Johnson:** I wanted to thank the member for Sudbury, the member for Niagara Centre, the member for Northumberland, and of course the member from Kingston and the Islands for contributing to the debate and for their comments this afternoon.

The member for Sudbury talked about my lack of bringing forth the shortcomings of this bill, and I did; I intentionally neglected to bring those, because I knew he would do it. It's his nature. I knew he would bring out the shortcomings. I thought I should give out, if I could so call it, the "longcomings," because I wanted to indicate to all the members the benefits and the advantages of this bill.

The member for Niagara Centre talked about the bills, the regulations and the draft regulations and so on, and he's perfectly right. Draft regulations could be brought



out at any time. But I would like to know the number of bills between 1990 and 1995 that came out where the regulations were with the bill in second reading. He can look that up some other time. He doesn't have to let me know today, but I'd be interested in knowing that.

I'd like to thank the member for Northumberland for his acknowledgement of the term "field to fork." It's a simplification of the term that a lot used in the old days. It was one step. You went out to the garden and got what you wanted; you went to the barn and got what you wanted. You got your own. You didn't have to depend on somebody else's safety.

I just wanted to say thanks very much, Mr Speaker, for your attention this afternoon.

**The Deputy Speaker:** Thank you. Further debate?

**Mr Joseph Cordiano (York South-Weston):** I'm delighted to speak to this bill. I will be sharing my time with the member for Kingston and the Islands.

The bill I'm speaking to is vitally important to Ontario's economy and to the people of Ontario in general. Let me just start off by saying that the first line of defence for us in order to have food safety is to ensure that we have a viable agricultural industry so that more of what we consume is produced right here in Ontario. That can reassure people that in fact the food we eat is safer.

Over the years I've spoken to farmers and people who are in agribusiness, and they have quite clearly indicated to me that we can't be too certain of what we eat when it comes in from other countries. We import a lot of our fresh fruit during the winter from a variety of countries around the world, and a lot is left to inspection in those countries. We have to reassure ourselves that in fact what we're eating is safe, but we can't do that because it's offshore. We rely on Agriculture Canada to ensure that what we are eating is safe. A lot of it is based on what happens in those countries, so it's not inspections that we can control.

However, food that is produced here in Canada certainly is something we can control, so I would say that would be our first line of defence: increasing what we consume in terms of the production that's possible right here in Ontario. We are not doing enough in Ontario to ensure that the agricultural business—agribusiness, the agri-food business—is a viable industry in Ontario. In fact, this bill, which the Liberal caucus supports in its intention—who would be against food safety? Naturally anyone in this place is for that, but that's not what we're talking about here. When you dig beneath the surface, you realize that there are a lot of things left to be desired here. Let me just touch on some of those.

1630

We are concerned about two things with regard to this bill. First of all, there is no commitment for additional provincial funding for inspections. The food inspection budget, as has been often repeated by my colleagues, has been cut by 45%. The number of food inspectors has been cut by 38%. It's a dramatic decrease from what we had previously. The number of inspectors has declined

from 130 to 80, a significant drop. It's part of a pattern of this government. I'll get to that in a moment.

The second thing is that this bill, the bulk of it, will come in regulations. Every government I've seen or witnessed before this Legislative Assembly has always attempted to put more of its legislation in regulations when it was fearful of something in a bill: "And we'll deal with it in regulation." By and large, I think this government is suggesting that they are fearful of something, and that probably has to do with cost. The fact is, they're downloading on to the agri-food business the costs associated with self-regulation and the requirements for further inspections, and they don't want to deal with that up front. I think the government is suggesting, "Well, we'll deal with it by way of regulation so that the costs to be downloaded on to the industry will somehow—we'll have to massage that as it moves along."

That's part of the problem. I would suggest to the government that food safety is a huge priority in the minds of Ontario citizens. In fact there was a poll in the *Globe and Mail* that revealed that 68% of our population is extremely concerned about the quality of the food they eat. This was pointed out by my colleague Mr Peters earlier in his comments. That speaks volumes about the concern that people have with respect in general to health and safety matters.

Health and safety: that's where we should be drawing the line with regard to the question of privatization. I think this government has failed miserably on that front. I'm all for privatization where it is, practically speaking, a good thing; where it enhances what we do by way of making things more efficient and more effective. But you have to know where to draw the line. This government, I would suggest, has gone too far by way of privatizing in the areas of health and safety when it concerns the public interest and the public good.

I think people have woken up to this reality. It's no accident, I say to the members of this House, that this government's popularity is declining at the present time. I think it has a lot to do with the fact that they have overlooked this vital area and have not acted in the public interest in this province. You cannot privatize everything and expect that it will maintain the same high standards; not when it comes to health and safety matters.

So I suggest to the government members that they are failing the Ontario public, as was the case in Walkerton, where private labs were called upon to test water safety. It failed and failed miserably, tragically, unfortunately.

When it comes to the question of what's going on in our health care system, you are privatizing and privatizing with no end. It's going too far. It's going too far in a number of other areas as well. When it comes to the environment, we see a tremendous decline in the Ministry of the Environment's budget. It's no accident that we have ongoing problems with respect to air quality, with respect to water and a number of other areas that concern the environment.

I am convinced that privatizing services is valuable and is something that we need to get right, but this government has gone much further than it should have with respect to the question of privatization. When it comes to health and safety, that's where we would draw the line. That's where I think Liberals would say, "We can't go there. It's far too important." We need to reassure the public that the food they eat is safe, that the water they drink is safe, that inspections are conducted routinely and that there is the highest standard that accrues to those types of inspections.

In my opinion, and I believe in the opinion of members on this side of the House, we can only reassure the public of that when it's done in the public arena. We can make certain that what's conducted is in the interests of the public good, that there is the highest standard in terms of inspection and safety when it comes to health care and social services. These are things that must be maintained in the public sector.

I repeat, I think it's no accident that this government is declining in popularity as a direct result of the public's lack of faith and trust in this government's ability to ensure that the safety and health of people is maintained. It's no accident.

This is an area that is very vital to us. It's also vital that we have an agri-food business that is vibrant and contributing to the Ontario economy in the way that it can. It's a significant contributor to the Ontario economy, and it's important that we get this right, that food safety is maintained. Otherwise, the industry will be ill-affected. If there is an outbreak of some sort of salmonella poisoning or any number of other problems that could occur as a result of the lack of food safety, the agri-food business could be adversely affected. We don't want this to happen. It's an important and vital part of our economy. So we need to ensure that this bill gets it right. But without the necessary resources for inspections, without the inspections being conducted by the public sector, I believe we're going to fall very short, and we are quite concerned about that.

It's the same concern we had on a number of other fronts in a number of other industries. I think the pattern repeats itself with this government. It is again sacrificing public safety and health for the sake of reducing the overhead to itself. That's not helping the public interest; that's not helping the overall economy in the long run.

**Mr Gerretsen:** I too am pleased to speak on this bill. I would like to just take up some of the points that were raised earlier.

I know the members of the government will say that there's nothing unusual about the rules and regulations under an act being set out in regulations. Generally speaking, I will agree with them on that. There are always regulations under most acts that are passed, to give effect to the purpose of the act. But in this particular case—and I would draw the government members' attention to section 11 of the act—there are over 25 different areas within the food safety area that the Lieutenant Governor in Council, which is cabinet,

basically has the power to pass regulations on. It deals with every aspect of food safety. One would hope that the government would have a much better idea and be much more open about what it wants to do with respect to food safety than to allow it to put an entire act into effect by the way it will interpret, in the future, the regulations they want to pass under it.

It deals with regulations, for example, that talk about the standards with respect to food, agriculture and aquatic commodities. It talks about prohibiting persons who can be involved in these activities. It talks about requiring the analysis, testing and grading of things of an agricultural nature. It talks about the qualifications, education, training and certification of the people who will be doing our food inspections. It goes on to talk about governing the locations and hours of operations where this can take place. You can just go on and on.

**1640**

They've taken six other bills that already exist, put them into one bill and basically are telling the people of Ontario, "Trust us. We will pass the necessarily regulations in order that the food you eat on a day-to-day basis is safe for human consumption." I say to the government that that's simply not good enough, particularly when we look at your record and what you've done over the last five or six years.

The fact that we've only got five enforcement officers who can lay charges under the existing six acts and that over the last three years only 18 persons or corporations have been charged with respect to the violation of any food safety rules and regulations simply isn't good enough. That does not give the people of Ontario any sense of security that this government is interested in the food they eat on a day-to-day basis.

The other thing we're really concerned about is the fact that once again the government as much as possible uses such words as "alternative delivery mechanisms" in order to put this act into action. What does that mean? What does "alternative delivery mechanisms" mean? It means only one thing. Well, it can mean a number of different things.

First of all it can mean privatization; in other words, that a whole area of food inspection delivery that is set out in these 25 different areas of rules and regulations can be done privately. It could mean that a lot of this responsibility is downloaded perhaps on some of the agricultural organizations, perhaps on municipalities. It could mean a whole variety of things.

The point simply is that there are certain activities that a government should be involved in so that the people out there can feel a sense of safety and protection, particularly in this day and age. With everything that has happened since September 11, people are probably crying out for a sense of security and safety more than anything else. They want to make sure there is enough government control over the activities they're involved in on a day-to-day basis, that they can rely on the safety features, whether it's food or many other activities that they're involved in on a day-to-day basis.



We've seen what happens when there aren't enough inspectors or when a senior level of government, such as the provincial government, doesn't take the same kind of interest in a particular item that it should. We saw what happened in a case like Walkerton. We saw what happened there. The inspection rules and regulations became laxer, there were fewer inspectors, fewer inspections done, and as a result a calamity occurred. The same thing could happen in this area. It is absolutely imperative that a government, if it wants to give assurances to people, does not just allow a whole area of responsibility to be privatized.

I think the record speaks for itself. Certainly there's absolutely no excuse for the fact that over the last four fiscal years the budget for food inspection in the Ministry of Agriculture has declined by 45%, from \$12.5 million to just over \$7 million, this fiscal year. The fact that the number of OMAFRA inspectors, the people who are involved in our day-to-day activity with our agricultural community and the commodities they produce, has decreased from 130 to 80 I'm sure is not something that gives the people of Ontario a sense of security or a sense of safety.

Yes, we are concerned. Perhaps the notion of this bill in itself is not a bad one. Your collecting all the various laws that are out there and codifying them into one document is fine, but it's what you didn't do in this bill that's important. You didn't say, "We are going to make sure that the people of Ontario will have all the assurances possible that this government can give, because we're going to increase the budgetary allocation to the inspection area." You've cut it by 45%.

Surely you owe it to the people of Ontario, if you're really serious about the issue of food safety, to make sure that government takes some responsibility and is accountable. That's what it's really all about. The government should be accountable, and the more you privatize or the more you download to local municipalities that may not be in a position to deal with a lot of these issues, the less accountable you are. We've seen this happen with this government more and more. I know there are a fair number of people out there who see absolutely nothing wrong with privatization until something goes wrong, and then they say, "Where was the government in this?" What we're simply saying is, let us not in the food safety area make the same mistake that we made in the water inspection area.

I'm absolutely convinced that the vast majority of people, even those people who are of right-wing persuasion, absolutely depend on their government for certain safeties and securities in their life. They include that the drinking water they have is safe for human consumption, and certainly that the food that they eat on a day-to-day basis is safe for them to eat. Merely codifying everything in a bill that doesn't provide any additional resources—you've taken many of the resources out of this area over the last five years—simply doesn't do it.

I say to the government, we know you're going to pass this bill. You've got the majority here; you're going to pass this bill. But give a commitment to the people of Ontario. Since so much of the way that you're actually going to put this into existence is going to rely on regulations, give people an opportunity to comment on those regulations: not just the various interest groups, but the consumers out there as well, the people who will be affected by these rules and regulations on a day-to-day basis.

We know you're going to get this bill. You're ideologically committed to it. You're ideologically committed to the notion of privatization. We on this side of the House think that isn't good enough. Give an assurance to the people of Ontario that you will publish and have public hearings on the rules and regulations that you're going to pass under this bill so that at least the people of Ontario who will be directly affected by this will have an opportunity to comment on it.

**The Deputy Speaker:** Thank you. Questions or comments?

**Mr David Christopherson (Hamilton West):** I'm pleased to rise and comment on the remarks of the members for York South-Weston and Kingston and the Islands.

I thought it was interesting that the member for Kingston and the Islands, in the closing part of his remarks, put emphasis on the fact that amalgamating the bills that exist, in and of itself, is not a bad thing nor a good thing. Usually it's a good thing, but in and of itself it's neither. What really matters, and I want to underscore the point that he made and that the member for York South-Weston made, is the whole issue of privatization. Obviously, those of us in the NDP caucus have a problem overall with the amount of privatization that's going on and this government's absolute hell-bent-for-leather attitude that everything and anything can and should be privatized. That makes the world a better place, as they see it. But in this instance, obviously the Liberal caucus has some concerns with it, and I think all Ontarians ought to have a concern with this.

There are indeed, regardless of one's philosophical bent, certain things that the majority of Ontarians approve of to be in the private sector and others that they want to remain in the public sector. I think we should be very cognizant of that overwhelming majority feeling about our hospitals. Notwithstanding any attempts on the part of this government to privatize hospitals, Ontarians in large numbers want it kept in the public domain. The same with our fire services; the same with our police services. The point being made here today and that I want to underscore is that inspection of our food ought also to be on that list of services that remain in the public domain.

1650

**Mr Galt:** There must have been a blueprint put out for the members of the Liberal Party, because all their speeches are on the same basis and they make the same points. They talk about the reduction in the number of

people. I'm interested in the yardstick they use to measure. It's reduction of people and reduction in dollars spent. But do they ever talk about outcomes? Do they ever talk about the real safety at the end of the pipe? No. They talk about dollars spent. We went through a decade of dollars being spent, and were we better off in 1995 than in 1985? I don't think so. You should be talking about outcomes.

They also talk a lot about privatization. Do you remember the inquiry by the federal government into the ship that went out from Tobermory and sank, taking with it some students who drowned? In that inquiry, did the Prime Minister go before the inquiry? No. Did any of the federal ministers go before the inquiry? No. Who was the inspector for 32 years? It was staff, members of the bureaucracy; it wasn't privatized. They got a clean bill of health from regular staff, saying the boat was just fine and it wouldn't sink; that is, a leaky boat that went out and sank and took children to the bottom with it. But it was OK, because the federal government wasn't trying to save money. Had that been the provincial government trying to save some dollars, had it been a private company inspecting that ship, it would have been just terrible. But because the federal government had lots of money to spend—throw it around; don't worry about it—and had an inspector go and approve a leaky ship, and it comes out in an inquiry, everything is just fine.

They try to draw a comparison with water inspection. In the water inspection, it was the private people who were doing a great job. Where were the mistakes made? Have a look. Draw the comparison with that ship.

**Mr Dave Levac (Brant):** I appreciate the opportunity to tell this government exactly what its privatization will do. Let's go specifically to a disaster that could have been avoided if this government had not gone down the road of privatization. The Technical Standards and Safety Association—TSSA—has been privatized, and they took pride in the fact that 50% of their inspectors were not certified. The minister himself sent a letter to one of my constituents that basically said it was perfectly OK to have 50% of their people not certified in a private situation. That's not acceptable. For the member opposite, there's a little piece of information for your data that you want to fill in.

The fact that one of my constituents had an accident on one of these rides is not acceptable. The fact is that privatization is a danger to our communities, and we should be very serious about looking into it before we haphazardly give it all away.

We want to take a look at what this privatization bill does. We've done the research and told you that in this bill a lot of local issues are going to be taken care of. You're going to close down arbiters on a local level in really small communities across the province. Why? Because you want to hand it over to privateers. Quite frankly, I'm disappointed in the members opposite who want to turn around and praise the fact that privatization—listen to the name they give it, "alternative delivery mechanisms." Why don't you call it what it is?

Why don't you call it privatization? You're afraid of the word. You're not going to call it privatization because you're afraid of the word.

We tasted privatization in corrections, privatizing our jails. Everybody up there, when asked if they wanted it, said no. But what are you doing? You're forcing it down everybody's throat. Seventy per cent of the people in Penetanguishene said no to privatization. What did this government do? The government said, "You're getting it whether you like it or not." The people of Ontario are saying no to privatization. Are you listening? No.

**Mr Kormos:** I have but two minutes at this point, and I'll tell you now that the member for Hamilton West is going to be speaking to this bill next.

The concern about privatization has been accentuated by the incident in Walkerton. There was a time in the life of this province when people assumed, rightly so, that when they turned on the tap and drank the water, they were drinking safe, potable water.

One would like to think, and indeed there was a time in this province's history not that long ago, that when you went to the butcher's store, the meat market, and bought meat, you were buying safe and not only edible but disease-free meat that was slaughtered by the butcher in a clean and safe way. There was a series of revelations in the Toronto Star which indicated that was no longer true about meat products, and Toronto was one of the destination points of this illegally slaughtered meat, in the same way we've learned in the saddest and most dramatic way that it's no longer true of Ontario's water.

Mention has been made over and over again of the dramatic reduction in the number of inspectors by this government, inspectors literally laid off. We've already witnessed the privatization over the course of their six years as inspectors have been cut loose and then called back to work 10, 15 or 20 weeks. I've met these inspectors; I've talked to them. They're telling me that they, experienced inspectors, are ready to go. The next job opportunity they get, they're out of the meat inspection business. What that means is that at the hands of this government we're going to endure not just privatized inspection but inspection by far less experienced, less trained and less competent people.

**The Deputy Speaker:** Response?

**Mr Gerretsen:** Let me say, first of all, that you get good, competent people and some incompetent people in the private sector and in the public sector. You've got good people and bad people in everything, but that's not the issue. The issue is accountability. Who is ultimately accountable and responsible for food safety in this province or for water safety in this province? It's the government. The more you privatize some of the essential services that are out there, the less accountability there's going to be and the less qualified the people are going to be. That is the issue.

I'd like to thank all four members for responding to my speech. The only leaky ship I can think of right now is the government, because they're allowing all these areas to be privatized, and therefore the people of Ontario



have less confidence in the services or in their own safety and security in a lot of these different areas.

If there's anything we've learned from Walkerton, and if there's anything we've learned from September 11, it is certainly the notion that government should be at the forefront of making sure the people of Ontario can feel a sense of security and a sense of safety. The only way that's going to be done is if there are sufficient rules and regulations in place in a variety of areas, including the food safety area, so that people can have confidence in the products they consume on a day-to-day basis.

That's what this is about. It's about accountability. It's not about having good people or bad people in the private or public sectors. That's a given. I would say that the vast majority of people in the public sector are doing a darned good job for us.

**The Deputy Speaker:** Further debate?

**Mr Christopherson:** It's a pleasure to join the debate. I'd like to point out, first of all, that with the amalgamation of the new city of Hamilton, there's now a significant agricultural portion of our economy that's part of the city. It's always been part of the former regional municipality of Hamilton-Wentworth, but it's now part of the city of Hamilton proper.

Just for the record, for those in the House who would be interested, the latest stats show that we have over 6,000 persons who are employed in agriculture and other resource-based industries; that the products grown in our city and marketed are worth over \$150 million, in terms of the gross income those products earn; and that just for the fiscal year 2000, the value of building permits that were issued for agricultural purposes in the new city of Hamilton were worth over \$4.5 million. Clearly, this is an issue that affects the constituents in my hometown of Hamilton, in the city of Hamilton, on both sides, both on the growing and delivery of agricultural products and obviously on the consumer side, in the urban part of the city, which is actually the area that I represent.

1700

The first thing I want to mention—and I have about four different points that I wish to raise this afternoon—is to point out that for a government which has consistently said—and I emphasize the word “said,” because once again it's the difference between the world of what the government says and the way the world really is. The Harris government says that agriculture is a priority for them, that they recognize the importance of agriculture in our economy and that they want to address it as a priority, and yet the numbers tell us a different story. The numbers tell us that you have cut, since you've been in power, from the Ministry of Agriculture, Food and Rural Affairs, from the operating side of the budget, at least \$200 million. That's a strange and funny way to show support or to say that something is a priority, by turning around and cutting in the neighbourhood of \$200 million.

I would remind you, Speaker, that for every cut they made, they always linked it to their tax cuts, which of course was why they had to make these cuts, because they had to pay for the lost revenue. And all of that was

to do two things for the economy. One was to get the economy going, which happened. We've always argued it happened mostly because of the US economy booming. But the other part of why they were doing all this was to make Ontario recession-proof, which is why there was the big kerfuffle the other day when the Premier inadvertently let the word “recession” slip past his lips. He had to correct it the next day, and there was all kinds of scrambling: “Oh, no, no, no, the Premier didn't say that, or he didn't mean that.” That's a dangerous word for them, because one half of their whole economic plan that they put forward and the rationale for what they did to so many people in this province was that it was going to make us recession-proof, that we were going to somehow magically construct, through tax cuts, an economy that would survive no matter what.

We argued at the time, “The only reason your tax cuts are working right now is because the US economy is booming and you can't help but increase your revenue and can't help but increase the economic activity in the province of Ontario.” And further, we said at the time that as soon as the American economy starts to cool off and, heaven forbid, if they ever should go into recession, we will be immediately behind them and probably in many ways we could be hurt more. Whether it's more or the same at this point is rather insignificant when you're talking about the kind of recession that they're facing in the United States.

*Interjection.*

**Mr Christopherson:** I recognize that one of the backbenchers in the government can pop up and say that technically there's been no recession because we haven't had two straight quarters of negative growth, but at this point that's pretty much an academic debate. For all intents and purposes, we in North America are in the midst, and have been for a while now—not just as a direct result of the horrible things that happened on September 11, although that exacerbated things and accelerated them. But we've been into this recession for quite some time, and now we're seeing it in the province of Ontario: tens of thousands of layoff slips being handed out.

I say all of this because if all of this was not supposed to happen, and that was going to make the whole notion of the cuts, like the \$200 million out of this ministry, acceptable, that it was, I guess, an investment, a down payment—put whatever spin you want—the fact of the matter is that we told you then it wasn't going to work, and we're saying now it doesn't work.

If you want to make something a priority, at some point, when it's a public service, it's going to cost us collectively to provide that service or we aren't providing it, or at least we're not providing it to the degree and the efficiency that we should. That doesn't take an economics degree.

Secondly, the government has touted Bill 87 as a state-of-the-art bill. This was going to modernize the governance of the growing and inspection of food products. Isn't it interesting that one of the most

important modern-day issues is the entire question of genetically engineered foods, also called, by some folks, genetically modified organisms, also called by some people "Frankenfood." That debate will go on for some time, as to whether or not, ultimately, genetically modifying food—and given the climate change that's taking place and if we take a look at where we've been in history, I think there's a legitimate debate to be had.

But the debate is not concluded, and that's the important point. That debate is not conclusive as to whether or not genetically engineered foods will in the long term be dangerous to human beings. There's no conclusive evidence. Now, the regulation of that, I grant you—I grant to the government—the fact that that's federal. But there are things that can be done by a provincial government if you really cared about doing something and if you truly wanted to modernize the legislation.

I reference a news release that went out on April 4 of this year from the British Columbia Attorney, General Graeme Bowbrick, the then-Attorney General of the then-NDP government in British Columbia. The Attorney General from British Columbia said this on April 4: "British Columbians have a right to know what they're eating. That's why we're introducing legislation that will ultimately require all genetically engineered food sold in the province to be labelled."

**Mr Johnson:** How'd they do in the election?

**Mr Christopherson:** It's interesting. My friend from Perth-Middlesex says, "How'd they do in the election?" Not so good. I'm sure you might have heard the rumblings that we didn't do quite so well.

The reason I'm prepared to respond to that is that ever since the Liberal government—which actually, as the member would know, Speaker, and so would you, is the new term for everybody who's not a New Democrat. So you've got the old Socreds, you've got Liberals, you've got Conservatives, you've got people who just don't like New Democrats—everybody sort of fits under the current rubric in BC as their own special politics, but in BC, all of those folks come under "Liberal." What's interesting is that the legislation I'm referring to here today has stalled under the new Liberal government, meaning they don't see it as a priority. One has to ask the question: what is it about the right wing in Canada that makes them so fearful about stepping in and protecting citizens from potentially harmful foods, given that that debate has not yet concluded?

Back to April 4: Professor David Suzuki said at the time, "Genetically engineered food involves a revolutionary kind of technology, and it is far too early to know whether there are any health hazards from eating it. People have a right to choose whether or not to be part of this experiment, and labelling gives them the choice. The government's action today puts the rights of consumers first—where they belong."

We don't have any reference whatsoever in this new, state-of-the-art, modern bill.

I'll close this issue with this quote from a food analyst and an author in British Columbia named Brewster Kneen. He said, "Canadians are becoming increasingly concerned about what is in their food and how it got there. By moving today to bring in mandatory labelling, the BC government is taking the lead in responding to those concerns."

That was back in April. You still haven't caught up. This is already old news. So I say to the government backbenchers, when you're responding, I would like to hear why you think it's OK for your government not to deal with the issue of genetically engineered food in any way, shape or form, that it's OK to totally ignore the subject and yet still stand on your hind legs and pronounce this as modern, state-of-the-art legislation. I'd like to hear how you square that circle.

1710

Third, parts V and VI of Bill 87 include most of the legislation that allows for the potential privatization of these inspections. I mentioned earlier, within the last hour, that I supported other colleagues who had spoken to this issue and had some concerns. I mentioned the fact that there are some things that it just makes sense to keep in the public sector.

It's interesting to watch what's happening currently vis-à-vis the issue of privatization and public safety when there's a crisis. Currently, and I expect it will change soon, the security inspections that are done at the airport for airport security are done by the airlines. When you're operating an airline, the security portion of the work you do generates zero in income. There's absolutely no revenue generated. In fact, it's a cost factor, it's a drain, it's an expense solely, totally. It is obvious and it makes perfectly good sense when you look at it to understand why an airline would not necessarily make that the absolute top priority. I'm not suggesting for a second that they have been careless, I'm certainly not suggesting they haven't followed the regulations; I am, however, saying that it is not the most important part of their entire operation. Neither is baggage handling. As the population and various governments across the land realize that there's no money to be made doing this business and given the importance to Canadians after September 11, I suspect that very quickly we're going to see that part of the airport and airline operation return or at least become a part of the government's responsibility to all Canadians in the managing and regulating of the airline industry in Canada. They're going to do that because no matter how much money it costs, Canadians are prepared to see that money spent to make sure our airlines and air traffic travel are as safe as they can humanly be.

I don't imagine there's going to be too much screaming and hollering about that move of going from something that's currently private to something that will become public. Under any other circumstance, the likes of the Tory government backbenchers would be doing back handsprings at the thought. They go crazy enough when things that are in the public domain can't be privatized. The whole notion that something that's



already in the private sector would be brought into the public is enough to give some of them potential coronaries. But in this instance, because it's public safety, because there have been seen to be weaknesses in the systems we have and because they affect the health and safety, in fact the very lives of Canadians, I don't expect we're going to hear a peep. I expect that whatever money it takes to fully operate airport security in the way it needs to be done, we'll see the money spent, and we aren't going to hear a peep from anybody, because it just makes common sense.

We see this as very much the same thing. Food inspection ought not to be put out to the marketplace for money to be made. In my opinion and the opinion of the NDP caucus, it's no different than airport security, which should not be out in the private marketplace. It is so important—like fire safety, like police, like running our hospitals—that it ought to be kept in the public sector so there's total, 100% accountability and that corners aren't cut in the interests of the bottom line.

Yet that's exactly what this government is proposing. If it weren't what they were planning to do, it wouldn't be in the legislation. So to anybody who pops up and says, "Well, we might or we might not," as we've heard them on these kinds of things before, and, "The regulations may or may not say that," the fact of the matter is, if they put it in here, given their track record, you can bet there are probably already some folks out there salivating at the prospect of getting hold of this service and turning that into some kind of profit-making entity. In the case of inspecting our food, that's wrong. If you do it, the fact that it's wrong may show itself in six months; it may not show itself for six years. But if it does show itself to be wrong, look at the price that will have been paid to get us to the point where we are today. I think the vast majority of Ontarians, if you ask them point blank, "Should food inspection be parceled out to the private sector?" would say, "No, keep it in the public domain. I want full accountability, I want answerability, I want the food inspected and I want that to be not only the top priority, but the only priority. I don't want profit in this equation." When someone is inspecting our food, profit ought not to be part of that particular equation.

Lastly, I want to talk about the fact that this is being touted as great enabling legislation. In fact, my friend from Northumberland was earlier accusing members on this side of the House of playing politics with this issue. I say to him that on something this important, and I made reference to this last week, that is so motherhood—at least it ought to be motherhood—I would have thought it would be in the interest of the government to try to have the opposition parties support this unanimously. That is absolutely inconceivable without a better sense of where the regulations are going to take us, simply because of the importance of the issue we're dealing with, that there's so much room in this bill—you leave a lot of things to regulations as it is, taking it out of this place, in front of the cameras and the public, and moving it into the cabinet room. Far, far too much, quite frankly, has

already gone that way. But this bill is designed to be totally that; it's enabling legislation which will enable the minister and the ministry to do all kinds of things as per the details outlined in the regulations. "What do the regulations say?" the public might then ask. We don't know, because we don't have the regulations.

So I would say to the member from Northumberland that the last thing I would want to do—and, I suspect, a lot of colleagues over here—is play politics with this. It's just too damned important. But without all the information in front of us, how can one expect us to have a comfort level that says, "Go ahead and just sign a blank cheque for us"? It doesn't work that way.

**The Deputy Speaker:** Questions, comments?

**Mr Jerry J. Ouellette (Oshawa):** First of all, I'd like to compliment the speaker. As always, he speaks so well on behalf of his party in the House. He brought up some interesting areas of concern. First of all, about the genetically modified foods: as expressed in the alternative fuels committee—we brought up the issue there—yes, I have some concerns about it, and I think it should be brought up for a little bit more debate on the issue. There are a lot of areas where we don't know what's going to happen. What happens if you feed this genetically modified food to animals? What's the process involved there? But then again, you have other issues like broccoli, for example. That's genetically modified food. Do we need to do labelling in those areas and other areas as well?

The McIntosh apple, for example, is another one. It's one that can't be reproduced from seed; it's only through grafting that that apple comes about. So there are a lot of areas that need to be discussed. How do you come out about it? Should we be labelling the genetically modified foods such as broccoli and apples?

Those are some of the things we need debate on, because we need to discuss all the implications, where it's going and what's next on the list. Here we have these things, and who knows what effect they may have on a person's immune system and other areas.

1720

The other area I'd like to talk about is, he mentioned the economy. He constantly mentions the economy and how this government takes credit for fuelling the economy, how it's all because of the American states and everywhere else is responsible for us being as prosperous as we are. But you know something? It had to start somewhere.

A friend of mine, Dan Hooper, was in Florida with the governor of Florida. The governor told him in 1995, "You want to see some change and some things happening around North America? You watch what's happening in Ontario." The same thing with Paul Mackie. He was with the governor in Michigan, and the governor there said to him, "You know, Paul, I'm a bit concerned about what's going on. Once upon a time, you used to be our biggest employer; you used to send us all your people. Now you're our biggest competitor." It has to start somewhere. Here's where it started.

**Mr Richard Patten (Ottawa Centre):** As has been alluded to, there couldn't be a more important issue than food safety, other than perhaps air safety or water safety: what we put inside our bodies every day.

The member from Hamilton West identified a number of issues. I haven't got time to respond to all of them, but one is certainly the genetically modified food issue. The member from Oshawa likewise identified that as being extremely important. I would say to him that if our friends at the federal level are not paying enough attention to this, then I would certainly be one to raise this with great force as being something of basic, substantive importance to our population, not only in terms of the activities of genetically modified foods, but the whole issue of labelling. I, like some of you, heard an independent federal advisory group advise the federal government, "Well, it should continue to be a voluntary thing." I find that totally, totally abhorrent, to be so presumptuous as to think that the people of Canada and the people of Ontario would not want to know what is happening to the food that they assume is grown in good faith, in good will, and one thing or another.

There are a whole variety of other issues around this. The government, in fact, does have time. I don't know what the timing is around committee, whether that has already been identified in terms of time allocation, but my hope is that we will have a full range of debate and an opportunity for people to raise the issues of the utilization of nutrients when we grow some of these foods and the impact of organic food versus foods that are instilled with various things that are supposed to be good for us, and then years later we find out that some of these pesticides or certain things that are there to help grow this particular food end up being harmful to us.

My time is up.

**Mr Kormos:** The government's attitude is somehow that the opposition shouldn't speak to this bill; they shouldn't speak to the issue of safety of food in the province or the nature of food.

The issue of genetically modified food has been raised today by the member from Hamilton West. It was raised by Howard Hampton, leader of the NDP, as a very serious and important consideration in this whole broader discussion about ensuring the provision of safe food from across the agricultural spectrum to food consumers, folks here in the province of Ontario.

I'm sorry. It's not our job to simply rubber-stamp your legislation. In fact, it's our job—as has been done today and has been done in the past, and will be in the future—to make sure that some of the gaps, some of the glaring deficiencies, some of the obvious omissions in your legislation are brought out here in this chamber and to the people of Ontario.

It's not enough, as the minister's announcement said when the bill was introduced with great fanfare, to say "state-of-the-art." State-of-the-art what? There is no indication whatsoever of the type of regulation. There is no reference to what the standard will be or to any other precedent in any other jurisdiction to give the people here

in this chamber or folks out there any idea of what you're going to introduce or propose by way of regulation, and hence the standards or the standard, or the standard for inspection.

Yes, there is legitimate fear about the prospect of privatization of food inspection services. The fact is, as has been stated so very clearly by the member from Hamilton West, that privatized food inspection services driven by profit run the risk, a serious enough risk for all of us to hesitate and reconsider, of compromising the very inspection that those people are being called upon to do.

**Mr Galt:** I was interested in the comments made by the member for Hamilton West. He talked about the number of inspectors. He's back to the same yardstick. I keep hearing various numbers bandied around here, but in fact there are 132 inspectors currently with the ministry. They seem to think that the numbers matter, when in fact once upon a time with meat inspection, if one animal was killed in the morning and processed and there was nothing else for the day, they went home and were paid for the whole day. We've certainly looked at a lot of those areas and improved the efficiency.

The other comment he was making was about the slowdown in the economy. I've never seen the member for Hamilton West happier than to talk about a slowdown in the economy. I think that's a little unfortunate.

He was also talking about GMOs. The debate is not conclusive. Well, the federal government thinks the debate is conclusive, because they are allowing it to grow. It's a federal issue. Maybe he doesn't quite understand and hasn't just kept up with the media, but the Honourable Allan Rock is suggesting and calling on his government to do the labeling of GMO foods. So that very obviously is a federal issue and should be recognized as such.

I hear a lot of talk about the importance of this bill and how the regulations are not with it. They talk about how important the bill is and they're all for food safety, but I don't remember hearing a question from the opposition about food safety in the past. I don't remember them promoting and pushing the idea of having a food safety bill. But now that the government has pulled together a lot of bills and presented it to them, "Oh yes, it's a great idea, but we'll protest because the regulations are not here." It is a play on politics. It's a partisan game. They recognize it's a good bill, "But we'll have to protest something." But they're not protesting anything that is in the bill.

**The Deputy Speaker:** Response?

**Mr Christopherson:** I want to thank all the members who spoke, the members for Oshawa, Ottawa Centre and my colleague from Niagara Centre.

Let me say first of all to the member for Northumberland that I don't think I'm the one who made any reference to inspectors. I talked about dollars. You might want to check the Hansard. I know you like to split hairs.

Let me just say, on the other issue, that I really am surprised. I really thought you believed in the issue of



being an honourable member and I would never—and I'm surprised you would—suggest that anybody in this House is glad to see anybody lose their job. That's beneath you and it's beneath this place.

Let me say to your colleague from Oshawa that I appreciate his remarks. They were clearly very well thought out, and I appreciate the time you took in presenting them. I would just say to you that I understand that some business friends and some American friends may say that this is a great way to go. Certainly the things you did weren't harmful to business per se, but part of the bargain for the pain that Ontarians endured over the last few years was supposedly inoculating us from future recessions. I suggest that you now talk to some of the laid-off autoworkers in Oshawa and other parts of Ontario and see what they have to say about it, because that trade-off that you were so proud of, we always said it won't work. In fact, a lot of the things you're cutting are the very things that make this the best place in the world to live. When there is the downturn in the economy, we have systems in place that prevent people from hitting the pavement. You've pulled a lot of those out, certainly damaged a lot of those, and we're having the recession no matter what. There's a lot of harm that's going to happen to a lot of people that otherwise wouldn't have and shouldn't have and that wasn't necessary to have a booming economy that would still give the majority of people an improvement in their standard of living.

**The Deputy Speaker:** Further debate? The member for Brampton—

**Mr Joseph Spina (Brampton Centre):** Centre; it's like being from Kagawong, I know.

I appreciate the opportunity to make some summary comments on Bill 87, and as it is described, the proposed Food Safety and Quality Act. Just as a bit of a background on Ontario's food safety, we know it underwent a full review in 1999, and the overall goal of that review was to ensure that Ontario maintains its safe and high-quality food supply, not just now but also into the future, for all our children and for those of us, of course, who are the so-called aging baby boomers.

1730

Updating and consolidating this provincial legislative framework is a key component to the food safety system review that was conducted. The ministry's current food safety system was established in the 1950s and 1960s, so it has clearly not been able to keep pace with the change in technology, the change in science, the change in food practices, and not only that but just as importantly, the changes in the uses of cultural foods or foods that have been processed and developed from other cultures which we welcome as part of our North American and Canadian society.

We want to ensure that the practices are there for us to maintain the safety level and the safety system that we all want to be able to enjoy. It includes legislation, standards and programs that are fixed in scope and that are also based on the concerns and the science at the time they

were created. That's where those standards were. The global food trade, the emerging food safety hazards and the public's changing preferences for types of food—as I mentioned earlier, the influx of various cultures to Canada over the past century has brought a wonderful variety of foods to the Canadian environment—also present governments around the world with a challenge to take a critical look at public and private sector efforts to ensure the continued safety of our food supply.

On a global level, food safety systems are being modernized using a consistent approach, both risk- and science-based, as opposed to the centuries-old method of visual inspection. As we know, items that very little was known about at the turn of the century are now well known in terms of bacteriological studies and various kinds of microbes and viruses that can be contained in the processing or developed and entered into the food processing system. That sort of microbiological activity and bacteriological activity is not something that is usually obvious to the human eye until much later stages. The easiest example—the simplest example, I guess—that we think of is when you buy a chicken and you take it home. If it's left out for too long, you can't tell that it has developed bacteria, but after you eat it, whether it has been cooked or not, it can present a problem to us. When it becomes really visible to the eye is if you ever have some chicken scraps, for example, and you toss them in the garbage, as many of us will do in the cooking process. Suddenly, you find these little beasties crawling around in your garbage pail and out on the driveway and so on. That's what materializes after the bacteria begins to take on a more visible form. That is why we cannot rely on a purely visual inspection method in the approach to inspecting foods.

Many competing jurisdictions, including the UK, Belgium, Australia and the US, have already adopted some science-based approaches to food safety that are founded on risk analysis. Within Canada, Quebec has adopted the Food Products Act and several other provinces are updating their legislation and consulting with stakeholders on some of their food safety initiatives. I think these can be very, very productive.

Canada and its major trading partners are now using international standards to guide them in the development of modern food safety standards. In the national picture, we've got some modern comprehensive food safety and quality legislation that is essential for Ontario, not only to ensure the safety for the people but also to ensure the economic vitality of the agri-food industry. That's the framework that Bill 87 provides.

The government of Canada has over the past few years been moving its food safety system to a science-based one and is assisting industry in moving to what they call the HACCP or HACCP-like systems. That's stands for "hazard analysis critical control points." The HACCP programs are internationally recognized as a means of identifying the critical points along a process where the hazard might occur. An essential component of that system is to monitor the control processes to prevent or

minimize the hazard, and that's a critical element. The demand for documented food safety practices is being pushed back along the supply chain from consumers and retailers right back to the farm. Many commodity sectors are already in the process of developing voluntary HACCP-like food safety programs for use on the farm, and the industry is investing heavily in these food safety approaches because they create opportunities for new markets.

I want to stress at this point that this is a bill from the Ministry of Agriculture and Food and not a consumer affairs bill—and that's a key element. Because we are pushing this back through to the farm system and the agri-industry, it is important that it start right at the beginning of the food development processing system. Ontario products can displace imported ones that are produced without meeting the demands for documented food safety systems, and product displacement would result in economic growth for a competitive Ontario agri-food sector.

There are some risks that can be brought into this process and they are obviously brought up at various times. During some of the stakeholder consultations, the minister heard that producers know there are costs around ensuring a safe food supply, but they look at them as realistic costs of doing business.

In looking at some of the benefits of Bill 87, the updating of our province's food safety system is part of business as usual for OMAFRA. The ministry is constantly striving to improve the safety and quality of Ontario's agri-food products, and we want to ensure that it has the most current methods available to do so.

Ontario must seize the opportunity offered by new technology and modern science and keep pace with our domestic and international trading partners who have already begun improving standards and modernizing their food safety systems.

Food safety from the field to the fork, which is kind of an interesting phrase—I rather like that. It doesn't matter whether it's a vegetable or a meat product, whatever, I think that's a marvelous phrase and I wonder if the parliamentary assistant to that ministry was the one who coined the phrase. If he didn't, I think he should take credit for it. From the field to the fork, that food safety chain is a high priority for this government. Our concerted effort to keep Ontario's food safety system is among the best in the world and we want to make sure that it is evident in that commitment.

In the end, a consolidated, modernized and enhanced Food Safety and Quality Act would, together with the Ministry of Health and Long-Term Care's Health Protection and Promotion Act, form a solid foundation for the continued protection of public health in Ontario in this new millennium. Creating a single, modern and comprehensive Food Safety and Quality Act rather than just updating a whole series of statutes with a bunch of amendments lays the groundwork for integrating that existing web of legislation, providing the flexibility that the industry needs to remain competitive and to enhance

food safety throughout that food chain, from the field to the fork. It will provide the tools to consistently and effectively manage the range of foods available here in Ontario.

1740

This legislation will clearly establish industry's primary role in ensuring the food it produces is safe, and it will define government's roles in standard setting and in the oversight of the entire system.

The proposed legislation would also ease the incorporation of national standards now being developed to provide equivalent or common requirements for food safety across this country. The proposed new Food Safety and Quality Act would provide for the establishment of safety standards as well as the relevant existing provisions related to food quality, labelling, packaging and advertising.

Since all players along the food supply chain have responsibility for the safety of food by ensuring that industry practices and facilities do not contaminate the food we eat, the proposed legislation recognizes all the players in this chain. The proposed legislation provides the powers to set standards and deal with identified food safety risks from the farm through to food distribution.

Currently, the compliance and enforcement tools vary with each piece of legislation. A single Food Safety and Quality Act would provide a common set of tools—a common fork, if you will, and a common knife—necessary for establishing, implementing and enforcing a comprehensive, efficient and effective food safety system.

Consumers have a right to know that the food products they purchase are safe, and they want to know that every possible step has been taken along the entire food continuum to ensure this safety, from the field to the fork.

Ensuring the safety and quality of food products is a critical issue for everyone, not just us as fathers, mothers, husbands, wives, but as parents—more particularly, also for our children. Everyone has a role and a responsibility in ensuring food safety: the consumer, the retailer, the processor and the producer.

Ensuring the safety and quality of food products is a critical issue for everyone. What this government has is a leadership role to ensure that all of this is in place, and we are taking that role seriously.

In the end, the overall goals of Bill 87 are to move in a stepwise fashion to a modernized, science-based food safety system founded on the principles of risk analysis and risk management, a seamless system that covers the food chain from field to fork and a market-friendly system consistent with Ontario's trade responsibilities and industry needs.

After first reading of Bill 87 this past June, the Ministry of Agriculture, Food and Rural Affairs held five information sessions around the province, and those sessions were held to answer questions about this bill. In general, the stakeholders are supportive and agree that



modern, consolidated food safety legislation would be good for consumers and good for business.

Speaker, you and I know, coming from northern and rural parts of this province, that there are many people who practise various methods of food processing in this province. Most, I would say, are good, solid, legitimate food processors. However, there are others who try to skirt the laws, skirt the regulations, and they do it perhaps for various reasons. Some may be cultural in nature. Some may be money-oriented. What we want to ensure is that the consuming public, all of us who enjoy eating the organic products, the meat products of our province, the vegetable products of our province and all the other kinds of products in our province, are assured that we have the safest quality, the highest quality, the best quality of food that we can have probably anywhere in this world.

It's important that we go right back to the very source of the production of the food chain to ensure that if the quality begins at the source that you and I are familiar with, Speaker, in much of the rural and northern parts of our province, it continues from that person who has the farm animal or who grows the wheat and the barley and the vegetables on their farms. It's important that that process continues in a safe manner to the next stage—the wholesale distributor, the slaughtering house, the canning factory, the fresh-vegetable distributor—so that when our people go to the marketplace we can be assured that the handling of those food processes, the handling of those food products, is as safe as it possibly could be. When our retailers go to the food terminal in downtown Toronto and buy their products for use either in their restaurants or in their grocery stores or in their outlets for resale, we want to be assured that no one will incur any problems with the food that has been created, processed and produced in this province.

This is the best province in this country for the agricultural industry in terms of processing food products, not just vegetable but also meat products. We want to also maintain this to be the highest quality producer and processor of food products, and we can deliver that.

Bill 87 will allow us not just to be the leader but to maintain that leadership and make us the absolute best place in the entire country, if not the North American environment, for producing high-quality products for you, your husband, your wife, but, most importantly, for our children.

**The Deputy Speaker:** Questions or comments?

**Mr Michael Gravelle (Thunder Bay-Superior North):** There's no doubt in anybody's mind of the importance of food safety in our province. One of the things that concerns us the most about this particular piece of legislation is the fact the government has a very bad history in terms of their support for the food inspection policies in this province. We know they have cut the budget for the Ministry of Agriculture, Food and Rural Affairs by a substantial portion over the last five years. We know they've cut the number of inspectors by a substantial margin as well. We also know—it's very

clear—that indeed all the regulations will be the source by which they'll make the changes in terms of this legislation, which concerns us greatly.

All members have spoken about the importance of food inspection. My colleague from Ottawa Centre was extremely passionate about it. When one thinks about the importance of air quality and water quality, we all know how much importance that has in our world right now, and certainly food safety inspection is very much the same.

But I think what bothers us most of all, ultimately, is that this is a government that has also tended to move toward privatizing almost anything that moves. They make reference to alternative ways of doing these food inspections, and the reality is that what we're going to be seeing is another move toward privatization.

1750

If I had more time I would like to give some examples of decisions this government has made in terms of privatization where I think the safety of the public has been extremely compromised. This is one area where I think we want to watch that very carefully. It would be extremely dangerous to move the safety inspection of our food products out of the government's hands and into this one body that could ultimately be privatized. It's a concern we have and a concern we want to express to the member opposite, and I hope we will be listened to.

**Mr Kormos:** Nothing in this debate has anything to do in any way with denigrating food producers out there. Again, I'll speak very specifically about the folks I know in Niagara, who I have contact with certainly on a weekly basis, whether it's the chicken producers, the folks raising livestock, or whether you drive along Highway 20 through Pelham, with any number of fresh vegetables and fruits, depending on what time it is, spring, summer or fall. I know these people. I trust them, and obviously most of the consumers down there do.

First, any imposition of standards for food safety isn't about the scrupulous providers of food; it's about the unscrupulous ones. Second, it's about giving those people, especially the smaller operators, the resources to ensure they meet standards that ensure public health and public safety. Third, it's about ensuring that the standards imposed are not ones that create an unfair scenario for those small producers. Those small producers are under incredible pressure and have been for a good chunk of time. The big corporate operators are putting family farmer after family farmer out of business. That's why it's critical.

It's naive to suggest that anybody in this assembly can come close to approving this bill on behalf of their constituents without knowing what its substance is. How can we properly speak for the folks in our communities without knowing what we're going to pass should this bill pass? I am disinclined to do that. It's unsafe, it's simply wrong and it's unfair, and I'm going to do a far better job than that for my constituents.

**Mr John O'Toole (Durham):** There are those who would prefer I didn't stand in my place to enunciate my

points, but it's my duty and indeed my privilege to speak on behalf of my constituents in the riding of Durham and to make it clear that food safety, not just in Durham but for all people in Ontario and indeed Canada, is of top importance.

I immediately go to my constituents and ask them for their advice on important issues in agriculture, and names immediately flash to mind. I think of the Braggs, who live just down the road from me, one of the top seed producers of corn and oilseeds. I also think of Watson's farm, with fresh strawberries and other market-ready commodities. I think of Price's, a very popular fruit and vegetable stand that's grown over the years, with their son Mark and others getting involved. Then, just north of my riding, Archibald Orchards, a very innovative, value-added—they've taken a normal apple operation to a higher order of growing wines and other kinds of fruits that are enjoyed.

But when it comes to food safety, it isn't just a matter of field crops. I commend Minister Coburn and his assistant, Mr Galt, for consulting broadly with all the commodity stakeholders in this important issue. I would like to consider that I was consulted on this. I'm on the ag advisory committee, and when we meet they're very interested in what my constituents have to say.

Again, without listing names, although I probably should for the record—I'll add a few more. I think of people like the Zoelmans, who have farmed in our area for years. They've changed commodities to suit the marketplace, but they've never once faltered on the importance of food safety and food quality.

If I could just summarize, the federal government, when it comes to bio-issues, has a job to do and they're not up to the job.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'm very pleased to offer my comments to this debate on food safety. I would suggest that next to or beside water safety in the province of Ontario, food safety is the most important issue. I know that many people in my riding have brought issues to my attention that are related to the Dead Animal Disposal Act. There are great concerns about the lack of resources that have come to that industry from this government. The Livestock and Livestock Products Act is another area where constituents of mine have brought concerns to my attention, as well as with the Meat Inspection Act.

Now we have a piece of legislation that's intended to streamline much of the work that's managed by these acts, and it's done how? It's suggested in the body of the

legislation that "alternative delivery mechanisms will be considered." I have to tell you that for me and for people in my riding, when we read that, that really is a very disturbing phrase. When we consider the performance of this government and how the government manages services for the people in the province, we see this as a way of their saying to us that there is an intention to privatize the services that inspect food and ensure the safety of food products in the province, to download or to dump the responsibility onto the commodity groups. That is certainly our very real fear. If we are wrong, then I challenge the members of the government to say, "Absolutely not. We will be providing the resources. We will not privatize. We will not download. We will not dump the responsibility on to the commodity groups." I would love to hear that from the government.

#### **The Deputy Speaker: Response?**

**Mr Spina:** I thank the members from Thunder Bay-Superior North, Niagara Centre, Durham and Hastings-Frontenac and whatever other county is over there. I apologize. That's like Bramalea-Gore-Malton-Springdale—we call it Brampton East.

Anyway, I appreciate the comments. There's a particular element in society that's really been heightened in our attention in the last three weeks, and that is the threat of bacteriological warfare. I think it's important that a clear-cut, highly defined process be in place, not just for the normal, everyday processing of food but also to ensure that we are protected from any threat of some kind of warfare.

The member from Niagara Centre thinks that the only people who can regulate properly are governments. I want to remind the member that their government was the one that allowed private-sector labs to test water with only a loose set of guidelines, with a whole bunch of grandfathering clauses. Bill 87 specifically deals with the safety and quality of food, agricultural and aquatic commodities and agricultural inputs. Food is defined; the process is defined; the inspectors are defined. The rules under which the inspectors will be expected to do that work are clearly defined. The reporting process is clearly defined. It is all in the legislation. So it doesn't matter if it's a government employee or a private-sector individual who is doing the job; there are very clear rules.

**The Deputy Speaker:** It being 6 of the clock, this House stands adjourned until 6:45 of the clock.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
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		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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Second Session, 37<sup>th</sup> Parliament

**Assemblée législative  
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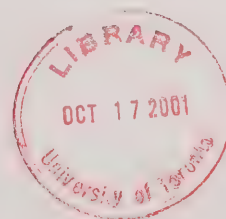
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**Tuesday 9 October 2001**

**Mardi 9 octobre 2001**



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 9 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 9 octobre 2001

*The House met at 1845.*

### REMEDIES FOR ORGANIZED CRIME AND OTHER UNLAWFUL ACTIVITIES ACT, 2001

### LOI DE 2001 SUR LES RECOURS POUR CRIME ORGANISÉ ET AUTRES ACTIVITÉS ILLÉGALES

Resuming the debate adjourned on October 1, 2001 on the motion for second reading of Bill 30, An Act to provide civil remedies for organized crime and other unlawful activities / Projet de loi 30, Loi prévoyant des recours civils pour crime organisé et autres activités illégales.

**Mr Rosario Marchese (Trinity-Spadina):** Tonight, good citizens, we are debating Bill 30. It's titled Remedies for Organized Crime and Other Unlawful Activities. Welcome to this political forum on Tuesday night at a quarter to 7. I still have 15 minutes of time left to debate this bill.

I have to tell you that when you read the title of this bill, Remedies for Organized Crime and Other Unlawful Activities, and you are a listener at home, you immediately say to yourself, if you haven't read the bill, "That's a good bill," because you don't know any better. The government hasn't sent you over the bill and said, "Please scrutinize it. Read it over. If you have some concerns, call us and we'll talk about it." No. They title it in such a way—remember, we were debating this the other day. They introduced the Student Protection Act, and I said that you, as an elector, can be deceived, because when you read the title you say, "My God, that makes sense, and I support that." So do I. But then we're back to the same old game. Like most of the other bills before and, I guarantee you, that will follow, the title belies the contents.

That's what we're seeing: the government presents a bill in such a way that if you speak against it in any way, you are not for the bill and you are therefore automatically against the bill. If you raise questions that are legitimate, in our view, the government portrays you as not wanting to go after organized crime. That's the game this government plays: you are either for or against. They do not accept the fact that there are concerns raised by the opposition for which we oppose the bill and for which we want you listeners to take a good look at these bills and listen very carefully and not be sucked in to the

political rhetoric of perception, which is what these bills are all about.

We have attacked this government left and right from the very beginning, because they play this game of making it appear they're really tough on crime. My colleague from Niagara Centre, Peter Kormos, who is our critic on these matters, has consistently said to this government, "You're just playing a game. If you really want to do something about crime, you have to put in the money to support those people who can effectively go after crime." At the moment, you have a sorry and sad record on law and order. You have police who are under-resourced and understaffed, and if they're under-resourced and understaffed, that means they don't have the man-and woman-power to get at the problem of crime. You can pass a bill and make it appear that you're doing something, but if the money is not there to help the people in the front lines do their work, they can't do it, at least not effectively. It's done to the best of their ability, but not the way we would like to get at issues of crime. You don't get it by throwing in a bill that says, "We're tough on crime."

You see, good citizens, that's what we're up against. We're up against the government's ideological machinery that manufactures news in such a way that most of you don't know what's coming or going. You don't have a clue. Even our own members don't have a clue, so fast do they move with their ideological machinery to move things along in such a way as to make you believe they're doing something.

Crown attorneys are overworked and understaffed. As my colleague from Niagara Centre, Peter Kormos, said, they are so understaffed that plea bargaining is rampant. They have to make deals. Even when the crown attorneys don't want to make deals, they're forced to make deals under unpleasant circumstances because they don't have enough staff to deal with the problems. Mr Kormos has raised this issue day in and day out.

At some point, I say to you, good citizens, you have to go after this government in some way. You have to help us to help you by going after this government and saying to them, "How many more police men and women do you have on the streets today, as opposed to what we had six or seven or eight years ago?" You may not know, good citizens, but we had more police men and women in 1994-95, in those years when we had a deep recession and we didn't have any money than we have now, under a government that has been lucky enough to have a good economy and would have had the resources to be able to



say, "Here's some money. We're going to have more crown attorneys; we're going to have more police men and women out there to help you do the job."

They've got the bucks. The time is right to do something. The time was right to do something in the last five or six years. I'm afraid, good citizens, with the recession setting in, where so many people are being laid off—when you're laid off, you're not working, and when you're not working, you're not paying taxes, and when that happens, the government is not able to pocket much money to pay for some of the problems that, in our view, are fundamental to making sure we have a civil society out there, a civil society that works.

If you don't put in the money when you've got money, you can't expect—and I don't expect—this government to put in the money when the economy is dipping down and there's very little money coming in. They won't do it. And what will we have then? We will have a structure and a society that has been weakened by this government to the extent that we're likely to see more crime because of them than otherwise would be the case.

So yes, we expect governments to be there to govern, and good times are the time to reflect on what you should be putting into place, so that when the bad times come, you've got your infrastructure in place and the funds you've devoted to our justice system are in place to help us all out.

You introduce a bill that puts at risk innocent people. That's why our justice critic from Niagara Centre has said this bill utilizes the lowest possible standard of proof, because it speaks, under the civil court, of probabilities. I'm not a lawyer, but there are a few things I understand. Under this bill, the civil court uses a standard of probability when deciding the guilt of an individual. What is that balance of probability? How do you determine that figure above 50%? When you're balancing it, you need at least 50% before you can put someone away, right? When you can say, "Yes, you're guilty," you need at least 50%. What is that standard of probability? Is it within the range of 50% to 60%, 60% to 70%, 70% to 80%, 80% to 90%? What is that standard? We don't know. It's probability.

That's why our critic has been saying that standard is wrong, that you've got to use the Criminal Code provisions, where the standard for determination of a crime asks for proof beyond a reasonable doubt. I feel better with that standard. If I am accused of some crime, that is the standard by which I would want to be judged—"beyond a reasonable doubt"—rather than on the balance of probabilities.

I know how hard it must be for the citizens out there, who say, "What the heck is he talking about?"

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** What is he talking about?

**Mr Marchese:** Just like the member from Dufferin-Peel: "What is Marchese talking about?" But that's exactly the point.

**Interjection:** Of all the people who should know.

**Mr Marchese:** Exactly, because the member from Dufferin-Peel is a lawyer. He knows. He's just playing the game.

But I know you good citizens have no way of assessing what this debate is all about. It's so legalistic, much of it. I know most of you don't burden yourselves to understand the standard of balance of probabilities and the standard of proof beyond a reasonable doubt. To most of you it's just up there, it's abstractions, intellectualization of a particular problem that's legalized. So other than the lawyers, most of you are going to say, "Yeah, I side with this bill, because it says, 'remedies for organized crime and other unlawful activities.' That makes sense to me. This government is going to go after the lawbreakers who are involved in organized crime. I understand that." That's all you need to know, and this government knows it too. For us to be opposing it is as if we are saying we don't support this bill and that, in so saying, we somehow support organized crime. What stupidity to put it in that context or to say New Democrats don't support this bill. You see, it's not so simple.

That's why we urge the citizens of Ontario to become much more engaged in what we debate in this place, so we have a reasoned debate, so you're not simply dragged into a position or sucked into a position presented by the government, manufactured by the government in such a way as to lull you to sleep. We need to be vigilant. Otherwise governments of this sort are able to get away with—I won't say "murder," but they're able to get away with so many abuses.

Some of the main critiques of this legislation were summed up by Tom Naylor from the Nathanson Centre for the Study of Organized Crime and Corruption in an op-ed in the *Globe and Mail* on August 29. He said, "The legislation will destroy the distinction between civil and criminal processes, reverse the burden of proof, smear ... citizens with the taint of criminality without benefit of trial, and turn police forces into self-financing bounty-hunting organizations."

As I read that to you and for you on the record, it sounds a little bit difficult to comprehend. I don't want to suggest that most of you might not follow this kind of legalistic language, but it is tough to get your teeth into. But if we don't have people like this and like New Democrats, who bring forth objections we have to this bill so we can say to the government, and to you, good listeners, that we have some serious concerns that need to be debated—if we don't do that, who else will play that role? Bills come and go here so quickly—quickly enough that we as opposition and others who oppose this government rarely have a chance to discuss, debate and convince government members they have to just stop before they proceed.

This government came in with this bill in the last session with a whole lot of bells and whistles, you'll remember. They have introduced this bill before, with lots of noise about how this government was going after organized crime. They usually have the press conferences with all the usual fanfare that follows, and of course at

the end of the last session the bill was dead. They reintroduced the bill in order to make more noise about how this government is going after organized crime or crime in general. So they get a double hit, reminding the public about how wonderful and tough they are on law and order, like the Victims' Bill of Rights.

Oh, you were good with that one. You made it appear, or at least you convinced a whole sector of the population out there, that you people had brought in Victims' Bill of Rights that actually—

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** Why did you vote against it?

1900

**Mr Marchese:** No, Minister of Culture, let me get to the point. The point is that your bill was presented in such a way as to suggest that there were rights contained within that Victims' Bill of Rights, until Judge Day told you, "No, there are no rights in that bill." But you people were so good. You manufactured a nice, neat little title. "Victims will have rights from now on." That's the game that you play, member from Dufferin-Peel-Wellington-Grey. The game you play and the game all these other members play is that you make it appear like you're really tough on crime. We're saying beef up our police forces. Give them the support and the tools they need. Put the manpower and womanpower back to them. Hire more crown attorneys so they don't have to plea bargain in very tough situations where many of these criminals ought to be in jail.

These are the kinds of supports we need in order to help our justice system. You have done very, very little in that regard. I urge citizens to keep an eye on this bill.

**The Deputy Speaker (Mr Michael A. Brown):** Questions and comments?

**Mr Tilson:** I'd like to make a few responses to my friend from Trinity-Spadina. I must confess I didn't hear his remarks the other day, but his points today seem to be twofold.

One, he's concerned about the test of the "balance of probabilities" versus "beyond a reasonable doubt." Yes, that was raised by my friend from Niagara Centre during the hearings, and there were arguments on both sides as to which test you would use. You've got to remember that this province cannot get involved in criminal matters; that is the jurisdiction of the federal government. They can amend the Criminal Code; they can do all kinds of things with respect to the Criminal Code. It is with the Criminal Code that you use the test of "beyond a reasonable doubt." This legislation deals not with individuals, which is what the Criminal Code deals with; it deals with property. It deals with the fact that we're asking the courts to freeze assets, to seize assets and to forfeit to the crown the proceeds of unlawful activity, as well as assets that could be used as instruments or tools in the commission of unlawful activity.

We heard from a number of jurisdictions. We didn't think this up. This isn't a brand new idea. It's been going on in the United States, we were told in the hearings,

since the 1700s. Australia does it. Ireland does it. So this isn't a brand new idea.

As far as the amount of money that's being spent, my friend from Niagara Centre says, "You won't have enough money." We made a commitment to spend whatever is necessary to do it. I could give facts, but I've run out of time.

**Mr Rick Bartolucci (Sudbury):** The member from Trinity-Spadina makes some very good points. Certainly, this bill isn't perfect; it's far from perfect and it needs some modification. That's why I'll be supporting it at second reading and getting it to committee. Hopefully, the government will listen to the people who will come forth with recommendations to make this a better bill.

There's absolutely no question that the world has changed since this bill was reintroduced. When it was introduced originally in the form of Bill 155, it was impossible to support. I couldn't in good conscience support it. It now comes as Bill 30, and I still have some concerns with it. But then the Premier on our first day back makes the statement that he's going to make some alterations to this bill to face the new realities which existed after September 11. In fact, a promise made, a promise broken, because he didn't bring in any modifications or recommendations because of what happened on September 11.

I believe that when you're talking about organized crime, you've got to talk about organized terrorism as well. So I would hope the government would listen carefully to the recommendations, to the modifications, to the changes that the opposition is going to bring in. Hopefully, after we have public hearings and after we have clause-by-clause, this will be a better bill. It will be a bill that will stand the test of time and it'll be a bill which will deter organized crime. I do not think, in its present form, you can talk about terrorism and organized crime, as it's defined in this bill, in the same breath.

**Mr Peter Kormos (Niagara Centre):** The member for Trinity-Spadina, Mr Marchese, once again analyzes a piece of legislation in a very focused way, addresses it in a very pithy manner, and quite frankly I wish people would take heed of what he tells us.

I would admonish him in one regard, because once again he apologized for not being a lawyer. Mr Marchese, if anything, it's we lawyers who should apologize for our profession and not you for not having succumbed to it.

I say to the parliamentary assistant, I understand the point you're making, and that's our point as well. You can't enter the domain of federal jurisdiction, and that is to say, criminal law. You know as well as I do that victims always could use the civil court to obtain compensation for the theft of their property or to recover their property. We go back quite a few years now, but it's about who's highest on the chain of ownership in terms of priorities about ownership. We understand that.

What this bill does is it gives the state the power to seize property, not for the sole purpose of returning it to the victim from whom it was taken, but it gives the state



the power to confiscate property and does it with that dangerously low standard of balance of probabilities. That's the problem the province has. That's why the province should be financing its police forces and its crowns' office to enable them to more effectively use the Criminal Code confiscation provisions which ensure that only those people who really are criminals—proof beyond a reasonable doubt—suffer forfeiture and loss of their property. You see, Mr Marchese, like other New Democrats, is concerned about the prospect of your net being so broad that you bring innocent people into it. I put to you that danger is far too obvious to risk with this legislation. New Democrats will fight for those innocent victims.

**Mrs Julia Munro (York North):** I want to just draw to the attention of the members here, and those at home, that the intent of this legislation is to ensure that we do have a further avenue to the issue of organized crime. All of us recognize the fact that organized crime has become of growing significance to our individual communities. The fact that we have this legislation before us today is a demonstration of our commitment to ensure that we will do whatever we can at this level of government in the face of the growing threat of organized crime. That is the intent of this legislation.

One of the issues that we have identified for Ontarians has always been the need to have safe communities, and it is a part of that commitment to ensure the safety of all Ontarians that this legislation has been drafted.

It's also a recognition of the need to be aware of victims, the fact that we always have traditionally been looking at laws that ensure the rights of those who have been accused of a crime, and sometimes we have forgotten the importance of the victims and making sure that their rights are considered.

This piece of legislation, then, falls within the framework of our commitment to making sure our communities remain safe and that we recognize the kinds of problems that victims have.

**The Deputy Speaker:** Response?

**Mr Marchese:** I thank the speakers for commenting on my remarks.

The government is saying that it should have the right to seize property and money even though there has not been a conviction. That's the danger that we speak to. That's the danger that we alert you government members to how you potentially put innocent people at risk.

1910

Criminal lawyer John Rosen has said the new act is totally ridiculous because Queen's Park is trying to supersede Ottawa. He claims this is criminal legislation and beyond the jurisdiction of the provincial government to pass. What we are saying, by way of our concern, is that the standard of proof that you are using under the civil court, which is the lowest possible standard of probability, whereby you don't need 95%, 98% of proof over the definition of the criminal standard which uses the Criminal Code provision for determining a crime is proof beyond reasonable doubt, the standard that we

ought to be using and that's already in place. To try to supersede it with a civil court standard is dangerous and puts people at risk. What we have said as New Democrats, and what our critic for justice issues has said over and over again is, police need the resources to fight sophisticated scams and frauds. Crown attorneys are tired and overworked, and that's why there's a lot of plea bargaining that should not be going on. The courts are understaffed, underresourced and therefore need our support. That's what the government should do to deal with issues of crime.

**The Deputy Speaker:** Further debate?

**Mr David Christopherson (Hamilton West):** I'm pleased to have this opportunity to join in the debate. I have a number of points I'd like to raise.

The first one is that I want to acknowledge that there is an organized crime problem. I don't know if "crisis" is the right word, but we're certainly getting to that. There's a serious issue of organized crime in all its different manifestations in the province of Ontario. I say that in my capacity as being a Hamiltonian, where we've had our issues with organized crime and continue to, and also in my time as a former Solicitor General in Ontario, so I'm not for one moment going to suggest that this is not a serious issue that shouldn't be taken up in a very onerous and decisive fashion.

There is a real problem and I am supportive of measures that give the police and all the different aspects that make up the police, meaning both the officers on the street and the criminal intelligence aspect of policing in this province and in this country. I'm very supportive. At the end of the day, we've got to be able to fight fire with fire, and it's becoming more and more complicated. Technology has changed the nature of crime and it's made it easier for criminal activity to be organized, so for all those reasons I am aware and supportive and acknowledge the fact that there is a serious issue that Ontarians and the Ontario government need to treat with the utmost importance in terms of addressing that issue.

Having said that, I also need to put this in some context. Much of the debate here is around whether or not this is an appropriate tool or an appropriate vehicle, as opposed to whether or not the government should be doing anything at all or whether this will result in the kind of benefits to the general public that the government purports will happen. This has all got to be put into context.

I'm sorry, but the context we cannot lose sight of, as much as many of you would like to, is the absolute disgrace that we've seen in the province with the Victims' Bill of Rights. We watched this government stand up and make their announcements, and I know people have referred to the photo ops and the announcements around the previous legislation. By the way, there was a previous piece of legislation to this. This is not new. There used to be Bill 155. That didn't make it; it died on the order paper. Now we've got Bill 30 and it's been around for a number of months. If it was that important it get through, it already would have been done.

But I want to talk about the Victims' Bill of Rights, when there was incredible fanfare and the government as much as said nobody else cared about victims except them. If you read the news releases and read the Hansards from the time, the Attorney General of the Harris government at that time was making the case that their government was finally going to be the first government to stand up and bring in legislation that acknowledged the rights of victims. And what did we see? After that bill was passed through here there were two Ontarians, two women, who went to court and said, "My understanding is that I have rights under the Victims' Bill of Rights, and I want my rights enforced." They felt they had to go to the courts because they weren't getting justice from the Harris government. So there was a court case and these two women made the argument that they had rights under the Victims' Bill of Rights and they were asking the court to order the Harris government to give them their rights.

If one listened to all of the hoopla and all of the announcements at the time, you would think this would be fairly straightforward. We watched the spectacle of the Harris government bringing in government lawyers and arguing in front of that judge that those two Ontarians didn't have any rights. The Harris government brought government lawyers into a courtroom in front of a judge to argue against the two Ontarians who were there to have their rights, which they were told by this government they had, upheld. The government fought them in the court. Judge Day ruled in favour of the two women in terms of the fact that their rights, as spoken, should be there. I'm paraphrasing, of course. If I spoke in the legalese, none of us would get it. But the language that's in the law, the way the law was written, made it clear that these citizens did not have their rights, and therefore the government won the argument. The government brought in legislation and said, "Here are rights for victims," and then, when two Ontarians tried to have those rights upheld, marched into a court of law, used government lawyers to argue against those citizens, and won. Judge Day's comments are a scathing attack on the difference between what this government says and what they do.

We ought not lose sight of that. It's real; it happened in this province. They haven't made any amendments to that bill since then. So for all their talk about victims, they have legislation in this province that's been shown in the courts to not instill any rights for victims. Now what? We're supposed to just sort of suspend reality and say, "Oh, well, I guess that didn't happen," or "It doesn't count," or "The first time you're sort of given a pass, but we'll listen because maybe you mean it the second time"?

This fund is called the forfeited proceeds compensation fund—all about victims again. Yet it was presented to the committee during the hearings that the existing federal legislation, the Criminal Code legislation that already provides for seizure and forfeiture of assets, those tools are used less by the province of Ontario, proportionately, than some other provinces.

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Given the debate in this House about whether this should remain in the criminal field or in the civil field, it seems to me that if you wanted to make a common sense argument, you should be able to march in here and say, "You know, we've done everything we can. We've used the Criminal Code over and over and over. In fact, we've used it more than any other jurisdiction in the country, and we keep running into a dead end. Here are the cases to show you. Here are all the times we tried to do these things and we were stopped. Here's the evidence that we've tried to use the federal Criminal Code tools more than anybody else and we're just so frustrated and we can't get anybody to listen to us at the federal level. The only thing left for us to do is to bring in our own legislation."

It didn't happen that way. In fact, Professor Margaret Beare of Osgoode Hall Law School said at the hearings, "Ontario is the province that tends to use the existing Criminal Code provisions for powers of seizure less than some of the other provinces."

How can you come in here and make a common sense argument that we need to do something at the provincial level, even though it's questionable whether or not that's our constitutional jurisdiction, without having exhausted all of the other tools available? You can't. Obviously, you cannot make that common sense argument.

So why would the government do this? Simply because the Harris government has decided that no matter what, the only thing that is truly important is that they be seen to care more about law and order and going after criminals and protecting victims and supporting victims than anybody else in this House. That's the goal.

I don't for a moment suggest that the current Attorney General and Solicitor General don't really care about this issue and that they haven't done and aren't doing things to the best of their ability, because they do care about this issue. I'm not suggesting they don't care. What I suggest to you is that in their political rush to be seen as the best and the ones that care the most, they're prepared to play all kinds of games, and the proof is in the whole case of the Victims' Bill of Rights. It's all right there.

So we're back in this place and the government once again, if you read the Hansards and listen to the government members, a lot of them, when they're refuting the arguments from this side, talk about the problems that exist and talk about the need to do something and the fact that organized crime is an entity in all its manifestations that needs to be dealt with seriously, and if you don't support us, obviously you don't care. It's an easy argument to make, certainly made easier when people are frightened.

As we speak here today, that whole mindset of being somewhat worried about what's next looms larger than ever. But that's no excuse to pass bad laws. From all the evidence, if you remove the political aspect in terms of what appears to be the motivation, in my opinion, of why the government's bringing forward this bill, you're left with the possibility, the real potential, for bad law-



making. Believe me, if we're talking about the Victims' Bill of Rights, calling that bad law is about as mild as you can possibly get. That is insulting legislation and insulting behaviour on the part of the government, to bring in their own lawyers and argue that Ontarians don't have the very rights that they are in there trying to get enacted, the rights they were told by this government they had.

They're going to have the forfeited proceeds compensation fund. I'm not a lawyer. There are certainly a lot of legal arguments that have been made about why this is bad law. Certainly the notion that we're going to create a whole new area of state power by going through civil litigation rather than criminal charges is serious. One of the cases that got the most attention during the hearings on this issue was a Hamilton woman who came forward and made the argument that this legislation, as it's written and as it's proposed by this government, could leave her, as an innocent Ontarian, subject to very draconian action. I don't image there's anybody in this House who believes that if you give the state the power to walk into your home and take what they decide to take—whatever they want—it's not draconian legislation.

Wouldn't it make a lot more sense, if the government was more concerned about victims and about attacking organized crime than politics, for them to utilize the Criminal Code to its full extent and then, if there are instances—and I say, in reading the comments of the Attorney General, I think he points to one or two scenarios that need to be looked at. The whole notion that someone who would otherwise be charged with a criminal activity dies and so an innocent Ontarian who knows where their property is and that it was obviously gotten illegally can't get their property back, or perhaps the person has left the country; those were the two examples the Attorney General used in his opening comments on this bill.

Again, not being a lawyer, I'm not going to start getting into the back and forth on this one, but on its surface there seems to be a *prima facie* case of an inherent injustice there. But let's make the case. Let's use the Criminal Code as it exists at the federal level. Remember, criminal charges and the Criminal Code are the responsibility of the federal government under our Constitution. If we use the current federal law to its full extent, we might find that there are a lot more examples, there are a lot of other cases and instances and we can start building a case.

Then, I would suggest, the first place to start after that is at the federal-provincial-territorial justice ministers' conferences that happen every year. Ontario can put that on the agenda, and believe me, Ontario has a lot of influence at those conferences, given the size of our population and the size of our economy. If Ontario speaks at those conferences, it is listened to. If we decided this was a major issue for us, we would get the ear of the other delegates and the other justice ministers from across the country at all levels. Make the case that there ought to be changes in the Criminal Code to deal

with these various instances that we can back up with proof are leaving justice denied to innocent Ontarians.

After all of that, at the end of the day, if there's absolutely no other avenue, then the Attorney General may want to put out a white paper to turn up the heat. There's an awful lot of heat that can be turned up on the federal government. But more often than not, it was my experience, having attended those conferences, that when we raised issues—certainly when Ontario raised issues—they were deemed to be important and serious by all the other delegates, as we treated their issues the same way, and you could get the changes that you need.

It's not good for us to continue to whittle away at the constitutional powers as they now exist. Goodness knows we've got enough problems constitutionally in terms of how the various parts of this country see the Constitution and see the makeup of powers and the breakdown of powers. The idea that we would continue to take little pieces of the Criminal Code and maybe immigration and a number of other things and start pulling them into Ontario, that's not, in my opinion, the best course of action and should not be the first course of action, and yet that's what this government has done.

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So I wind up by summarizing that, in the context of this government's track record with the Victims' Bill of Rights and given the serious question marks around going down this road to deal with an issue that already has tools available at the federal level that have not been fully exhausted by this government, this has the potential to be bad legislation when you factor in the real concern that experts in the field have about innocent Ontarians not only being tainted with being part of a criminal ring, organized crime, but potentially having their personal property seized by the state.

I'm a huge believer, obviously, in democracy and a huge believer that governments need to be strong enough to do the job on behalf of all of the people, but I'm also very sensitive to the idea that when all of the state's resources and power are focused on an individual, whether it's to be able to go in through their front door with or without a warrant, whether it's to go in and hold them down and take a blood sample, whether it's to go into somebody's home and start collecting up their belongings, we need to be very, very careful about how we're exercising those powers.

My worry here today is that this is a rush, not to democracy, not to justice, but to political goals and political objectives, and that's wrong. It's wrong to do that, and the government ought to slow down and look at going at this a different way.

**The Deputy Speaker:** Questions? Comments?

**Mr Tilson:** The speaker from Hamilton West said much the same as the member from Trinity-Spadina—

**Hon Chris Stockwell (Minister of Labour):** Except louder.

**Mr Tilson:** That's OK. Both the speakers from the New Democratic caucus seem to be talking about this as something unusual, saying this legislation is something

unusual. It has been used all over the world. This is not a brand new type of legislation. They start saying, "Oh, well, we're infringing on the federal criminal law." We're not infringing on the criminal law. The criminal law deals with individuals, with people. This deals with assets.

One of the witnesses who came to the hearings on the former bill—I think it was 155—by the name of Vaughn Collins, was talking about how over the last 15 years there has been a tremendous increase in organized crime in this province, and they're into everything. They're into money laundering, he said; they're into prostitution; they're into illegal immigration; they're into alcohol; they're into drugs; they're into tobacco; they're into weapons smuggling, securities fraud, credit card fraud, document fraud and telemarketing. With all of those things, there are tools that are used by those people.

Our legislation suggests that we're going to seize that if it's established that it's used for illegal purposes, whether it be a car, whether it be a boat, whether it be a motorcycle. The proceeds from those things will be used to help victims.

My friend spent a great deal of time on the Victims' Bill of Rights, which has nothing to do with this legislation. He's perfectly free in talking about that, but we're saying that if this illegal activity is going on, what's wrong with getting the tools that are being used by those people and providing them to the victims? There's nothing wrong with that.

I expect, in the end, the New Democratic caucus will support this legislation.

**Mr Dave Levac (Brant):** As always, the member from Hamilton West speaks to us with a degree of authority, he does his homework and he speaks with passion, and I appreciate it very much. He does make some points that I would hope the government side would pay attention to and make sure that at committee level we can offer those solutions in a non-partisan way to try to solve this major problem that we have in Ontario.

Let me bring, for instance, to the attention of the House during this debate that some members on the other side are trying to do the breast-beating exercise that basically says, "We've got the ideas, and we're the ones who take care of organized crime, and we're the ones who take care of the victims." I want to show you, just by example, a few pieces of legislation that were absolutely rejected by that side that would have had an impact today. I refer us to the bill that's being offered by the member from St Paul's on our side, the famous biker bunker legislation. It was pooh-poohed by that side, but guess what? We predict that within the very near future we're going to see some legislation coming from that side to take care of biker gangs that have fortified their places of business inside the municipalities we've spoken to. So my compliments to the member for St Paul's.

The member for Sudbury, Mr Rick Bartolucci, has continually fought child prostitution, and over a long period of time he's been trying to bring it to the attention of this House. Finally the government stepped forward

and said, "Maybe it's time for us to look at that legislation as well." So to the member for Sudbury, congratulations.

I had a piece of legislation, Bill 27, to protect the confidentiality and the private information of all those who work in the criminal area, the crowns—

**Mr James J. Bradley (St Catharines):** It was a great bill.

**Mr Levac:** It was a great bill. I take pride in that. That bill was going to create a board that would take care of making sure all the ministry officials didn't give away information—we know what's happening in the Ministry of Transportation. Had this bill passed, not been buried by the members on that side, we would be protecting that information.

**Mr Kormos:** Once again, David Christopherson, on behalf of the New Democrats here, outlines very clearly the New Democrats' concern about and opposition to this legislation. I tell the parliamentary assistant that this bill will have to see some major, major changes before it's supported by the New Democrats, just as, first round, during committee, there was great effort made to raise the standard of proof to something even akin to the criminal standard of proof, just as there was, during second reading debate and during committee, an effort on our part. We'd have to see that before New Democrats will support this bill.

I want to make it very clear that we're not going to equivocate about support for the bill. No. I say to the parliamentary assistant that we don't support it. You've heard the reasons given why we don't support it. We have serious concerns that it puts innocent people at risk. We're not going to support legislation that pits what can be the incredible power of the state—and that's what the member for Hamilton West was speaking to—against individual persons when there is the significant risk of innocent people having property seized and confiscated by the state.

I look forward to the committee hearings, but I expect this government has no intention of accepting or adopting amendments that raise the standard of proof. This government wants this bill in its current form. It can get it. It may well get it with the co-operation of the official opposition, the Liberal Party, but certainly not with ours.

**Hon Robert W. Runciman (Minister of Economic Development and Trade):** I'm not surprised by the opposition's opposition to this legislation. If you look back over the history of both the Liberal Party and the NDP during their time in government, it's quite evident to even the casual observer that both parties consistently could be classified as folks who are soft on crime.

*Interjections.*

**Hon Mr Runciman:** That may raise their hackles, but you just have to take a look, for example, at the Liberal Party. Over the years, in my time as the justice minister and as a critic in the justice portfolio, we've consistently expressed concern about the federal legislation the Young Offenders Act. Where have they been? Very



supportive of the Young Offenders Act. We could say much the same for the NDP.

When this government established a strict discipline camp for young offenders, called a boot camp, I know what happened. It has a very low recidivism rate. It's doing a very effective job.

*Interjections.*

**Hon Mr Runciman:** We hear heckles from the Liberal Party now, Mr Speaker.

**The Deputy Speaker:** Stop the clock. One person at a time is the rule in here. There are several members making quite a bit of noise who aren't in their seats. We will need that to stop.

The Minister of Economic Development and Trade.

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**Hon Mr Runciman:** The Liberals continue to be opposed to a boot camp, a camp that is having a real impact in terms of deterring repeat crime by young offenders.

The NDP: we recall the parole board under the jurisdiction of the NDP, when they had an appointee as chair of the parole board who in fact put the priority on prisoners' rights rather than victims' rights, rather than the impact that these individuals had in our communities. That resulted in the release of someone from a facility in Ontario that resulted, I think directly, in the death of a police officer in Sudbury. We certainly made a case of that during our opposition years.

We can take a look at police co-operation during the NDP years. A gentleman by the name of Dudley Laws had access to—

*Interjections.*

**The Deputy Speaker:** Response?

**Mr Christopherson:** I thank the members from Dufferin-Peel-Wellington-Grey, Brant, Niagara Centre and Leeds-Grenville. I do want to save time for my comments to the member for Leeds-Grenville.

To the member from Dufferin-Peel-Wellington-Grey, it's interesting you say that I have a right to raise the Victims' Bill of Rights but it has nothing to do with this. Had we not had that court case, every one of you would have had that bill in your briefing notes and you'd have been touting it as an example of how you care about victims. But given the history of the issue, you don't dare do that. So don't tell me that it's not relevant to this debate. It has an awful lot to do with how you say you're going to do something for victims and what you actually do at the end of the day.

Now let me just move to the member from Leeds-Grenville. I knew, and I said in my comments, that somebody there would get up and make the argument that crime has gotten so bad and the people over here are soft on crime. I can't believe that you think people are so stupid as to not see through such a ridiculous argument on a bill like this. You said the same thing on the Victims' Bill of Rights. I didn't hear the minister stand up and defend his government's action on conning the people of Ontario when you told them they had rights, and then you were a part of a cabinet that authorized bringing in lawyers to argue that those innocent victims

didn't have any rights. Why didn't you talk about that, Minister?

Let me tell you, for you to raise the boot camp, I cannot believe it. The night before his privatized boot camp opened, there was an escape. They had to cancel the grand opening because there was an escape, and they had to bring in public sector workers to take control of the place. They left the keys in the van. Give me a break, Bob, your arguments are getting stale.

**The Deputy Speaker:** Pursuant to the order of the House earlier today, I am now required to put the question.

Mr Young has moved second reading of Bill 30. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. Carried.

Pursuant to the order of the House earlier today, the bill is referred to the standing committee on justice and social policy.

## VICTIM EMPOWERMENT ACT, 2001

### LOI DE 2001 SUR L'HABILITATION DES VICTIMES

Resuming the debate adjourned on June 14, 2001, on the motion for second reading of Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act / Projet de loi 60, Loi visant à accroître le rôle des victimes aux audiences de libération conditionnelle et à responsabiliser les délinquants à l'égard de leurs actes, prévoyant des normes relatives à la toilette des détenus et apportant d'autres modifications à la Loi sur le ministère des Services correctionnels.

**The Deputy Speaker (Mr Michael A. Brown):** Debate?

**Mr Peter Kormos (Niagara Centre):** I've only got an hour to speak to the bill. I was concerned, because the bill is rather sparse. I was concerned that I was going to have a difficult time consuming an hour of floor time. Let me get to this first.

**Mr Rosario Marchese (Trinity-Spadina):** Take your time.

**Mr Kormos:** Mr Marchese says to take my time. I'm worried that if I don't speed up I won't have enough time. I was worried about being able to fill an hour on the floor. We don't get that much time to speak any more. The rules have changed.

I then take special note of the title of the bill, the short title alone, the Victim Empowerment Act, and I realize, you see, my comments have to be contained within the framework of the bill. I was worried. There are two or three sections in the bill, but then the title, Victim Empowerment Act—the gates are open, wide open.

First, I want to thank the Minister of Correctional Services.

**Mr Marchese:** Why?

**Mr Kormos:** Because he was very candid with me when he advised me that this bill was going to be presented. He cautioned me. He said words to the effect—and I hope he doesn't mind my repeating them because he was very generous in his comments. He said, "I know you're not going to be very happy with it." He forewarned me that there wasn't going to be the sort of stuff here that we in the New Democratic Party expressed concern about.

This is the history: it became increasingly apparent to us in the New Democratic Party that provincial parole hearings were nothing more than closed-door, very secret, very private little affairs. Look, we in the New Democratic Party obviously have as much concern as any other member of this Legislature or of any other caucus about, for instance, prisoners being released prematurely, before any meaningful rehabilitation has taken effect.

We understand the purpose of parole. The purpose of parole is designed to effect a bridging between imprisonment and a return to full life and hopefully a more productive life out there in the community. We understand also that parole from, let's say, a correctional officer's point of view is a reward for good behaviour and for meaningful attempts at rehabilitation when one is in the correctional system. But we became aware that there were increasing problems with the access of victims to those parole hearings. Unlike in the federal system, parole hearings are behind closed doors and victims were not getting access to them.

I appreciate that there are going to be a whole lot of folks who disagree with me, and I understand that I'm prepared. We should be debating this proposition. It is my view that in many respects, if not in every respect, the parole hearing is but an extension of the original sentencing hearing. It is some tinkering, with a sentence imposed by a judge. We're not talking statutory remission any more; we're talking about parole. We're talking about release from custody before a prisoner is eligible for his or her statutory remission, notwithstanding the tinkering that has been done with the statutory remission, although, let's face it, the principle is still very much in effect.

The sentencing hearing is, as of right, a very public hearing. They are performed by judges, by judicial authorities, in open courts. The press is entitled to be there, even in cases of young offenders where the press cannot report the identity or anything that would identify a young offender. There are some members of this Legislature who were sensitized in a particularly dramatic way to that particular section of the Young Offenders Act, weren't they? But the press is still entitled to be there. The press is entitled to report to the public what submissions were made during a sentencing hearing, what defences were raised by defence council. The press is entitled to hear the substance of victim impact statements, where victims—and appreciating this is a rela-

tively new trend in the criminal law—now have a right to participate in the sentencing process, both at the young offender level as well as at the adult level, by submitting victim impact statements. That's the direct victim or obviously family members, associates etc of a person who may have been a victim.

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The public nature of that is incredibly important. It's important, one, very much for the administration of justice: the public has a right to know. It's important from the point of view of so-called deterrents, because a whole lot of folks have had a whole lot of trouble. Somebody once wrote, "What right have you to punish me for the amelioration or intimidation of others?" They raised that as a philosophical question with respect to the principle of general deterrence. You see, general deterrence, as I understand it—and there are other people here who perhaps may want to correct me in this regard—is when there's an imposition of a sentence, not necessarily because that particular offender, he or she, warranted that type of sentence or that extent or length of sentence, but because a lesson was being taught to the rest of the public; an example was being made, to put it crudely, of that particular offender. That's a deterrent sentence, a sentence of general deterrence, as compared to specific deterrence as against that offender specifically.

What good are sentences of general deterrence if other people in the community don't learn about them? That's where the press presence at sentencing hearings is critical and it's important that the press, the news media, the fourth and fifth estates, fulfill their responsibility to report sentencing in court both at the young offender and at the adult levels. The public has a right to know. It's my view that that's critical.

It's also in the offender's interest. One of the reasons why criminal trials are very, very public except under the very rarest of circumstances is to safeguard the rights of an accused. Which one of us would want to be tried in secret, especially if we were protesting our innocence and didn't have the assistance of the general public in their role of oversight over that process?

There may be others who disagree with me; I'd like to hear from them. Sentencing is a very public process. It's a process that involves the victim. It's a process wherein the offender is entitled to raise, after his or her conviction, all those factors he or she believes can persuade a judge or a sentencing authority are mitigating factors and they should serve to reduce the sentence or incline that sentencing authority to approach the sentence from the submission of the accused and the offender as compared to the submission of the prosecutor.

If sentencing is a public process, why isn't a subsequent alteration of that sentence a similarly public process? When a parole board hears submissions from a convicted person serving a sentence to the effect that his or her sentence ought to be shortened, why isn't that sentencing process equally public and transparent for the same good reasons that the original sentencing process was transparent and very public? Because, you see, we



started getting concerns expressed to us from victims who were being denied access to sentencing hearings, never mind the general public and/or the media, the press, the news reporters of the day of either print or electronic media.

In response to that, I brought a bill before this House. I relied in no small part on the federal rules regarding parole hearings, because many of the issues that were being expressed by Ontarians about access to parole hearings had already been addressed at the federal level—not all of them, but a huge number of them. I recall my conversations with the Minister of Correctional Services and his generosity with respect to that private bill, but it was our position here in this party that not only should the victim have a right to attend a parole hearing, but that there should also be some serious consideration given to giving that victim standing at the parole hearing; that if the victim had a right and that if parole and whether or not parole was granted and to whom it was granted, how often it was granted and for what reasons it was granted was a legitimate matter of public concern—and we believe it is—then similarly the public—and that means of course the press—should have access; that the victim should be entitled to advocacy at that parole hearing when she or he as victim acquires standing; and that of course the applicant for parole should acquire some advocacy.

We put that bill forward, I tell you, in the best of all good faith. We put that bill forward in the hopes that the government would adopt all or even some of it with the view to effectively improving justice for victims in the province of Ontario and, as importantly—perhaps one can't say “more importantly” but certainly as importantly—lending some transparency to the parole process. The public is incredibly confused about that. The public has no idea what goes on at a parole board hearing. The public has no idea what rationale a parole board uses when granting or denying parole. As you know—you heard it just a little while ago—there's some significant criticism about the parole board of the day and some suggestion that somehow that parole board favoured one set of rights over another.

The best judge of that would have been and still will be public scrutiny of that very same process. So we had hoped, we had truly, truly hoped, as time went by yet more fecklessly, that the government would embark on this course of opening up parole hearings in the interests of victims' rights and ongoing justice for the victim and in the interests of the public's right to know, in generating this transparency around the parole hearing, so that it wouldn't any longer be a secret little process about which editorials may or may not be written, accurately or inaccurately; and so there could be some scrutiny for the purpose of, oh, let's say political input into changes, revisions or amendments that should be made to the parole process to bolster it up, to make it fairer, to make it work more effectively.

I say this to the former Solicitor General, who believes very strongly in what he believes in: I don't think it's necessarily a matter of bragging rights to say, “Fewer

people were released on parole during our regime than during somebody else's.” Because really, isn't the relevance of parole, among other things, that the correctional system may have done its job? I appreciate that there has been public concern and fear about it, and I can cite many of the notorious tragic cases where parole boards, in hindsight, made some horrible, horrible errors about releasing people from prison. Mind you, let's be fair, because these were people who would have been released at some point in any event—maybe six months later, maybe nine months later, or a year or two later than the parole board actually did release them. In reflecting on some of those tragic and horrible errors on the part of the parole board, deadly errors—and they were.

One questions, then, whether the problem lay in the parole board and earlier release or whether the problem lay in the fact that the sentence, when first imposed, was inadequate in any event. I don't think that's an unfair observation. I'm not afraid to participate in criticism of one parole board or another. The problem is that without public scrutiny of the parole process, without having the media there, the press there, the public there to observe what submissions are being made, what the parole board is considering and the rationale that a parole board uses for granting or denying parole—how does the public, how do any of us have any ability to judge whether that parole board is performing its job in a manner that reflects at the end of the day public safety, and again, yes, the interests of the offender—the convicted, the inmate—from the point of view of the most effective, rehabilitative process?

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At the provincial parole board level, please, you're talking about people who are going to serve no more than two years less a day in any event. Do you understand? Any one of these people is going to be out, even if they serve every single day of their sentence, to the final minute, it's maximum two years less a day, even if they serve the total sentence, the result of any application of punitive capacity on the part of the Ministry of Correctional Services. We're talking at the provincial parole level about people who are going to serve no more than two years less a day, from their point of view, in the worst possible scenario. OK? So, let's understand that one should not make claim to bragging rights on the sole fact of saying, “Oh we've reduced the number of people released on parole,” because provincial inmates are out there sooner or later in any event. From the point of view of most victims, quite frankly, sooner. I understand. If any of us are victims in the way that so many Ontarians tragically are victimized, I appreciate, on a regular, daily basis—I understand the victim's perspective. There's an element of fear. There's an element of repugnance. There's an element of distrust, and, again, one can't start to identify certain crimes as bearing with them more repugnance than others, although some are clearly far more serious than others.

But, look, the senior citizen whose home is broken into, even with some modest items being stolen—we all know these folks—we know that the impact of that crime

can be an incredibly tragic one, an incredibly serious one and a lifelong one for that senior citizen. At the very least, that senior citizen is denied any sense of security or personal safety; the vast majority are. You know that just as well as I do. These folks are in our ridings.

I'm not trying to diminish the impact of any of these crimes, least of all the most serious crimes, but I am trying to point out that provincial parole is reducing the sentences of people whose maximum sentence, in any event, is two years less a day.

I look forward to a day when our Ministry of Correctional Services has been restored to its status of having not only proud, well-trained and professional public sector correctional officers, but ones who are secure in their professional future and ones who once again can recommit themselves, even emotionally, in terms of their own security in their workplace, to effectively participating in rehabilitation.

New Democrats sought openness in parole hearings. We saw it as an issue of the victim's right and the public's right, because we don't deny the public the right to judge the parole system. But the public has to be armed with the information it needs before it can do that act of judgment. That's why courtrooms are wide open and public; that's why parole hearings should be wide open and public.

I spoke with the Minister of Correctional Services—rather, he spoke me. He indicated, “You're not going to be really happy with the bill,” and I beg to differ. Well, I'm not really happy with the bill. I'm pleased that there has been the slightest entry into the arena of giving victims some right to presence at the parole hearing. But once again—and look, this bill has been lingering around for a good chunk of time too, hasn't it? It has.

Let's understand what the limited rights granted by the bill are. My fear, once again, is that what this government says, with this government's history in every single victims' rights bill that I can recall it trying to introduce or pass over the last six years—this has an oh-so-attractive title, but when it comes down to the nitty-gritty, when it comes down to the real—what is it, Mr Marchese?—viscera of the bill, no matter how hard you search—read the first page of the bill, read the second page of the bill—we see that the right of victims is not stated clearly at all. The bill makes it quite clear that the Ministry of Correctional Services Act is being amended so that victims may participate in proceedings of the parole board—here we go again—in accordance with the regulations.

Over the course now of a considerable chunk of time, going back to the spring of this year, notwithstanding recurrent requests, for the life of us we haven't been able to find out what those regulations are going to be. “In accordance with the regulations.” Does that mean the victim will have a right merely to be present? Does that mean the victim will have standing? Does that mean the victim will be entitled to give evidence or will be restricted to a written victim impact statement, which quite frankly is redundant because, at least in theory, it should be part of the crown's file already.

**Mr Marchese:** The docket.

**Mr Kormos:** The docket. Mr Marchese keeps insisting he's not a lawyer. He might be a lawyer after all. He knows all this legal terminology. A docket, you're right. You sure you're not a lawyer, Mr Marchese?

**Mr Marchese:** Not yet.

**Mr Kormos:** You never have been a lawyer?

**Mr Marchese:** No.

**Mr Kormos:** You see, the victim impact statement is going to be part of the crown's docket anyway. It should be part of the record. It should be attached to the information and the sentencing information that's in front of the parole board when they consider the application for parole.

Look, let's clear the air right now. Let's make no doubt about it. Are we going to support the bill? Of course we're going to support the bill, of course we are. Come on. It would be petty on our part not to support it. But good grief, do you folks really think you've gone very far at all, once again, in the advancement of the rights of victims in our criminal justice system? Haven't you learned from the ruling of Judge Day in the litigation by Ms Even and Ms Vanscoy, Linda Even and Karen Vanscoy? Need I tell you about them again?

**Mr Marchese:** Yes, you should. Remind them.

**Mr Kormos:** Ms Even telephoned me, as I've told you once before, a few months ago, after referring to this judgment and indeed told me, “Feel free to keep using my name, feel free to keep reciting the course of events that led me into court as a plaintiff suing the government of Ontario, seeking some relief under this government's so-called Victims' Bill of Rights.” Linda Even, a young woman, stabbed, blanket thrown over her and stabbed again and again and again and again and again by an angry, irate, murderous male partner. If there was ever reasonable and probable grounds to lay a charge and pursue a conviction for attempted murder, this was it. The police thought so, the crown attorney thought so. This woman was huddling inside a blanket, and she was stabbed again and again and again and again; deep wounds. A victim.

Karen Vanscoy, a young mother of an even younger daughter shot through the head by a youthful male companion, killed dead. I don't know what you call that where you come from, but we call it murder where I come from and, I think, where most fair-minded Ontarians and Canadians come from. In both instances these accused had their charges pled down to lesser offences and, more dramatically, had it done without the involvement of the victim, never mind in any way, shape or form their consent.

**2010**

I've got to be fair, because Ms Vanscoy is in the St Catharines riding and Jim Bradley from St Catharines raised her case along with me here in the House, and we raised the case of Linda Even time after time, and the Attorney General of the day did the old hands-off, “It's out of my control” horse feathers.

These women thought they had rights under this government's Victims' Bill of Rights. If they weren't



victims, who was? The mother of a murdered child, a woman whose body is slashed open—she huddles under a blanket murmuring for her attacker to stop—if these aren't victims, who is? If these weren't the sorts of people anybody reading the title of this Victims' Bill of Rights thought that some rights should be accorded to, who would be? Yet neither of them was given any right in the course of the plea bargaining that resulted in their attackers, and in the case of the mom of the young Vanscoy child, that child's murderer—neither of those victims was given any right of participation in the decision to plea these charges down, so those perpetrators both walked in relatively short order.

You talk about the parole system. My goodness, what about a criminal justice system wherein such brutal and murderous assaults upon women are pled down to offences where, for all intents and purposes, the accused walks after but the briefest of prison terms? There is certain conduct that goes beyond and involves far more than mere rehabilitation of the offender. There are certain types of offences and certain types of offenders that call out for protection of the public, or in this case at the very least protection of other women.

I recall the scenario well. Professor Alan Young from Osgoode Hall Law School at York University, of whom I'm a big fan, who has committed himself to a lot of just causes, has done a lot of work on behalf of victims and other people who have been denied justice by the criminal justice system. I admit it. You've heard it already. When these women sued in the civil court—what they did was they sued for some remedy, saying, "Our rights under the Victims' Bill of Rights," this government's Victims' Bill of Rights, "were denied us. We want this court to grant some remedy." The government's own lawyers, by way of defence, said, "Oh, no, this bill of rights doesn't contain any rights for victims." The presiding judge, Judge Day, in what is now a notorious judgment in this province and beyond, had to concede that this government's, Charlie Harnick's and Mike Harris's Victims' Bill of Rights, provided no rights for victims and for all intents and purposes wasn't worth the paper it was written on.

**Mr Marchese:** What an embarrassment for the government—ought to have been.

**Mr Kormos:** Mr Marchese, that's not just an embarrassment. It's a tragedy for victims, and it's something about which all of us should continue to have great concern, because years now have passed since that judgment.

The member for Hamilton West, I recall—I'm sure it was in his comments to the bill we were discussing earlier, Bill 30—talked about how the government daren't even mention the Victims' Bill of Rights. Was it Mr Christopherson? To a large extent he's right, of course, except just the other day in a canned, prewritten statement by some government backbencher she listed the Victims' Bill of Rights as among the accomplishments of this government on behalf of victims in Ontario. What's the matter with these people?

Here we've got the Victim Empowerment Act, which says finally that victims may be permitted to attend the parole hearings of the perpetrators of the crimes against them, but won't even dignify its title with some modest explanation or definition of the extent of those rights. Rather, once again, it says whatever those rights may be will be determined by regulation.

Governments ever since I suppose the days of government have used regulatory power to fill in the gaps in legislation. Nobody here has any real quarrel with that proposition, do they? But the fact is that when it's done by regulation, it's not presented to this Legislature, is it? No. It's not debated in this assembly—

**Mr Marchese:** Behind closed doors.

**Mr Kormos:** That's right, Mr Marchese. It's indeed not subject to public oversight. It isn't the subject matter of a committee hearing. Not a single victim will have an opportunity to come forward in a public place, in a public space, in a public forum to advocate publicly for what those rights ought to be under this Victim Empowerment Act. Victims will be entitled to participate in parole hearings in a manner to be determined by regulation. Nothing in the bill suggests that there's going to be any guarantee of those victims having the right to advocacy, the right to a lawyer. While I have met many strong victims, I also know that a victim's life can be altered for the rest of his or her life by the perpetrators of some of the horrible crimes that form the subject matter of parole hearings in this province and, yes indeed, federally.

We've got to ensure that the victim can get to the parole hearing. Isn't that a worthy consideration? You see, I've had occasion to follow up on more than a few victims whose cases we've raised in this Legislature. It's very strange, but it should be acknowledged, that wealthy people tend not to be victims. It's true. It's not to say they're never victims, but rich people don't tend to be victims. Who are victims in our society? Women are victims. Children are victims. We know that. Poor people are victims. Senior citizens are victims.

I've talked to victims about this bill and they say, "Fair enough. I'm not sure to what extent I'll be allowed to participate, but, please, would somebody make sure I have a right to counsel, the right to a lawyer while I'm there, and not just the right to a lawyer. Somebody has to make sure that one is available to me, a competent one, one who is familiar with the process. And what do I do about getting there?" What does a victim from the far north do about getting to Toronto or even farther south in the event that the perpetrator is incarcerated there and that the parole hearing is taking place in that far southern city? This is silly. This, folks, is as embarrassing as your Victims' Bill of Rights, because at the end of the day there are no rights contained in this legislation—not that there should be, because it's not identified as a rights bill; it's identified as an empowerment bill. Well, I'm sorry. The extent of the empowerment goes no further than the extent of rights did in the Victims' Bill of Rights.

**2020**

One other interesting aspect is the good grooming. Again, for the life of me, how the good grooming section

belongs in the Victim Empowerment Act beats me. You folks have read the good grooming section, haven't you? The Ministry of Correctional Services Act is going to be amended by virtue of this bill to prescribe "grooming and appearance standards for inmates." Grooming and appearance standards for inmates? What are you suggesting: that somehow if you took Charlie Manson and gave him a shave and a haircut and put an Armani suit on him, he's going to become a clean-cut, law-abiding citizen? I'm sorry; it don't work that way. That for any number of the most disgusting offenders, who have received far too much publicity and whose names I'll ignore now, a little manicure and maybe a Q-tip in the ears are going to turn them from the vicious thugs they are into—what? members of legislatures?—is a naive thing.

Let me expand. I remember the press conference, the media event when the minister announced this. "That's right. We're going to enforce these grooming standards and that's going to be a real boon in our correctional system." And then he was at a little bit of a loss for words.

This happens more often than not with these guys when they're pressed. What was the one the other day about the North American perimeter? Do you remember that? The Premier: "The North American—well, it means something. I'm not sure. We're going to talk to the feds." Some spin doctor gave him the line and he used it, but nobody briefed him or filled him in, or, if they did, he forgot it.

One of the problems with this minister—and I don't dislike the minister. I don't. I've said that half a dozen times, and I think he knows that personally. I don't dislike him. It's just that he seems to have so little enthusiasm and personal interest in his job as Minister of Correctional Services. It's true. Here's a Minister of Correctional Services who won't talk to correctional officers, and other than the ribbon-cuttings for his big mega private jails that taxpayers build with taxpayers' money but that private corporations run for their own profit, he seems not to spend a whole lot of time. I'm not saying the minister should be spending all of his time in jails; he just doesn't seem to be overly familiar with what goes on in them.

Let me share something with you. Grooming? Please. When you've got 20 or 30 guys in a range, living together, I want to tell you something: they are very effective at policing grooming among themselves. Need I go any further? They are incredibly effective. Should there be the occasional ideosyncrat who declines to bathe as regularly as he should, trust me, it's taken care of. We don't need the Minister of Correctional Services telling inmates to take a shower when there are 20 or 30 of them in a range together.

**Mr Marchese:** It might give barbers some more work, but I don't know.

**Mr Kormos:** Ah. The fact is that inmates see these opportunities, opportunities to engage in some grooming and hygiene, as very much something to be savoured, I suppose. Don't forget, they don't like being there. They are not supposed to like being there. I understand that.

How about, instead of some grooming and appearance standards, a restoration of some of the very effective treatment and rehabilitation programs that have been cut, that have been gutted by this government? How about a commitment that OCI in Brampton is going to stay open with its outstanding staff? Do you know those staff there? I know the staff there. I've known those staff—many have retired—as they've moved along over the course of the last, gosh, at least 20 years—one of the most effective treatment programs for the treatment of sex offenders and pedophiles, and that is tough stuff, you know that, probably one of the toughest, if not the toughest, disorder to meaningfully treat. But don't forget, once again, the sex offenders/pedophiles who are in Brampton are there serving provincial sentences—max two years less a day and they're going to get out anyway.

Why are we trashing here in Ontario, why is this government cutting loose, OCI, the Ontario Correctional Institute in Brampton and a world-renowned treatment program for some of the most dangerous—and they are, let's not mince words—and hard-to-treat offenders who are going to be out? We're not talking about lifers. We're not talking about offenders who are going to do 10, 15, 20 years until maybe whatever happens as you reach middle age or beyond these guys' dispositions and/or chemical makeup begin to change. We're talking two years less a day max.

I was up in Ottawa. You know exactly where we were: another treatment program. We met with some of the psychologists involved and some of the therapists involved whose program was being trashed, kiboshed, deep-sixed. Again, these people were sending their material across North America. Look, this wasn't for the highest-risk offenders, OK, but they had a very compact program that included a whole bunch of things like anger management, among others, and lifestyle skills and coping skills and learning how to make it out there, and the booze and the drug program kinds of skills.

They had a success rate that was phenomenal. They have people across North America, from correctional institutions throughout the United States, calling them: "Please send us some of your material. Send us some illustrations of the types of programming you use. Talk to us about your success rates." That program deep-sixed, up in Rideau, Ottawa. I was there; other members of this assembly too, not government members. It's unfortunate. It would be nice if once in a while they'd drop in and talk to the folks doing the hard work, the front-line work, the dirty work, the nasty work in corrections.

I've got barbers down in Niagara who are working harder than they've ever had to work before who'd love to get into the Niagara Detention Centre once a week to do trims and shaves. No problem at all. I'm hard-pressed to think of the inmate—think of this, "Hey, I'm doing my six months, nine months, 12 months. They've got a guy coming in once a week giving me a trim and a shave, you know, a little bit of, what do they call it?, cuticle push-back remover stuff." I don't know those things. Is this what he's talking about? Is he talking about maybe soap



on a rope—what do they call the spicy stuff? I don't know, Irish Spring?—for the guys in the shower so they don't have to—good grooming, you know. You want Old Spice.

2030

*Interjection.*

**Mr Kormos:** Look, I didn't write the legislation; you did. You're going to correct these guys with good grooming and appearance standards. Some Hai Karate after the shave, that'll rehabilitate those guys, and maybe tailor the clothes a little bit instead of the inevitably oversized or undersized—you know what I'm talking about; I know you do. Come on, you know what I'm talking about. Rather than the oversized or undersized dungarees, let's get them into some Calvin Kleins or some Hilfiger.

**Mr Marchese:** Come on now. No labels.

**Mr Kormos:** Look, the government's talking about making statutory, as part of their correctional program, grooming and appearance standards.

**Mr Marchese:** No name labels, please.

**Mr Kormos:** Sorry. They're missing the boat. They're missing the boat. I've got a secret for you, Speaker: you take a bunch of young kids, and if you think you're punishing them by buzz-cutting their hair and putting them in army boots, you're sadly mistaken. Take a look out there.

But you know what's even more peculiar? The minister, when he was making the announcement, missed the boat 100%, 110%, 120%, because the statute only provides for grooming and appearance standards that are relevant to the security of the institutions or to the health or safety of persons. See, they've qualified it in a way that leaves it even more vague and more ambiguous. I can't for the life of me see how this government interprets this section, this amendment to the Ministry of Correctional Services Act, as any meaningful or effective improvement in the quality of corrections, rehabilitation or, in any way, shape or form, public safety.

Alan Eagleson was already well groomed before he went into the joint. He showed up there in the Armani suit and with the Hai—I don't think he'd ever seen Hai Karate in his life; that's the cheap stuff. Eagleson showed up, expensive Armani, the Gucci leather shoes on his feet and the Yorkville Avenue haircut, the blow-dry stuff, and the fact that he was already well groomed in his appearance, as I recall—it was as appropriate as anybody's, a little upscale—didn't stop him from getting sent to the joint. So there's been a failure.

Part of this is somehow creating the imagery of who's in jail. Some very bad people are in jail, no two ways about it. Some very disturbed people are in our provincial jails. Some very dangerous people are in our jails. And our jails have become a dumping ground for mentally ill people for whom there are not adequate mental health resources in the community. We know that; correctional officers know that. The minister should know it.

Provincial sentences, maximum, deuce less a day. Maximum, two years less one day. We should be concentrating on effective rehabilitation programs. We

should be concentrating on effective treatment programs for some of those very disturbed people. We should be concentrating on mental health resources for some of those very sick people. We should be concentrating on proper and appropriate rehab programs for those people with drug and alcohol addictions and other various assorted chemical vices and the ilk. And to obscure it, to somehow try to deflect attention away from the agenda of privatization, the agenda of gutting our jails of effective rehab programs and correctional programs by talking about grooming and appearance standards, I think is just plain dumb.

I wanted to talk about one more class of victims, and I can't promise you that this is the last time I'm going to do it. Let me put it this way: down where I come from, the people who are watching this legislative channel are watching it on COGECO Cable. This government doesn't worry about jurisdictional issues when it deals with, oh, the Young Offenders Act. But I want to say to folks now who are watching—because if somebody's in my house right now, and they shouldn't be, they can't watch this on channel because COGECO got cancelled down there on Bald Street around four months ago.

You want to talk about victims? One of the biggest classes of victims—and I just move to this issue for a minute because I promised myself I was going to talk about it—are the victims of cable television in this province. Victims. Talk about ripoff artists. I simply want to take this chance, because I'm wrapping up. I want to warn people who are getting COGECO television to make sure they check their bill regularly to make sure they're not overpaying, because my sense is that COGECO is grossly irresponsible when it comes to falsely billing people for services they didn't get, and to reject COGECO and its cable operators as any source of broadcast medium and either go back to an antenna and save yourself a whole pile of money—the garbage you're getting on those 120 channels is hardly worth the price you're paying—or even consider satellite systems.

Cable companies in this province are creating as many victims as any other class of criminals, and I want people to be very careful, especially senior citizens, to make sure that they're not getting ripped off by cable television in their community. The cable television people are not nice people. We're talking about victims—I didn't write the title of the bill, Victims' Empowerment Act. I warned you when I started that I was going to utilize all of the rights that I have as a member of this assembly using the title of the bill as part of the bill and as part of the reference point for what is appropriate discussion. I'm going to talk about cable TV more in this Legislature, and I'm going to seriously diminish my chance of ever getting a whole pile of cable coverage down in Niagara region, but that's OK, because I want people to cancel their cable and resort to a far higher quality signal through either antenna or satellite. You don't need cable TV down in Niagara. We're close enough to all the major broadcasters. You don't have to pay those guys a cent. You don't gotta pay them anything. We've been duped

into thinking we need cable TV, and we don't. Scam, big time. Another group of victims; not the victims being contemplated here.

I didn't want to trivialize the bill, but I promised some people that I was going to make that pitch to victims of cable companies like COGECO down in Niagara and up through, in fact, the Hamilton Way.

*Interjection.*

**Mr Kormos:** I don't expect to be getting a lot of cable TV exposure, but then again, if I had my way, more and more people would be cancelling their cable TV, so it won't matter anyway, will it?

This bill may or may not go to committee. If it does, quite frankly, it will be a futile effort. I'd like the chance in committee to ask the Minister of Correctional Services, in good faith, again, in all sincerity, what in the world he means by access by victims to parole board hearings to be determined by regulation. I'd like him to put that on the record. We'd like very much to know whether that victim will be guaranteed standing, status, at the parole board. We'd like to know whether that victim can bring a lawyer should she or he want a lawyer. We'd like to know whether that victim can be assured of legal assistance, because that victim is more likely—or not—to have an income far lower than any member of this Legislative Assembly and to be far less capable of hiring a lawyer than any member of this Legislative Assembly.

We want to know what kind of provisions are going to be made for the victim who is still just too frightened to sit in the same room with the person who is not just suspected any more or accused but convicted of committing that crime against him or her.

We want to know why the public isn't being permitted their right to know what's happening in parole hearings. Why isn't the public being told what a parole board considers before they grant or in fact deny parole? Why isn't the public being told what the conditions of parole are for a parolee being released into the community?

I know that some of the people—in fact, I'm sure that defence lawyers and perhaps civil libertarians—may say no, the presence of the public is likely to have an inappropriate or undue effect on the parole board. Good grief. The political appointment process has an inappropriate and undue influence on the parole board. Do you understand what I'm saying? We got the message loud and clear from the former Solicitor General. We know what happened. The composition of the board changed dramatically; for better or worse, I don't know. But if there can be political influence in that very subtle way on parole boards, why can't there be some public influence, obtainable only through public knowledge?

2040

This government has demonstrated itself bankrupt when it comes to genuine advocacy for victims. It has been proven to have a barren cupboard—how's that?—when it comes to any repertoire of empowerment of victims. This government has shown itself far more effective at the photo op. I've been to them: a big blue-and-white backdrop, a senior police officer on this side,

gold braid—good, they're entitled to that—another senior somebody on that side, the old flash bulbs—they're not flash bulbs any more—the old strobe just a-going. Then the minister is whisked out of there in short order before the tough questions. "Sorry, the minister's got to go now," and vroom, the minister's tripping and stumbling over his feet as aides are dragging him away from the scrum. Man, oh man, put these ministers on roller skates or Rollerblades or something to that effect—skis—so at least when their aides yank them out of a scrum, it's a little smoother than it is when the minister trips over his own feet.

*Interjection.*

**Mr Kormos:** Come on, now. Been there, done that. I've watched. Be careful.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** Don't feed the bears. He's almost done.

**Mr Kormos:** We're almost done. And I thought it was going to be tough with an hour for a one-page bill.

**Mr Marchese:** Not enough. It's not enough time.

**Mr Kormos:** Are you kidding? Mr Marchese is going to have to borrow some of the notes I brought that I haven't had a chance to refer to yet: some of the previous pieces of legislation, some of the Hansards, some of the news clippings, perhaps some more quotes by the most honourable Mr Justice Day—Judge Day, as he was known formerly. Same difference. He made a ruling that was bang on. The government couldn't appeal the ruling. Remember that? The government couldn't appeal the ruling of Judge Day because it was the government's own submissions that Judge Day bought—the government's own submissions. "No, no, Judge, be careful. I know it says 'Victims' Bill of Rights.'" That's what the lawyers were doing. "No, Judge. Judge, don't. Be careful. We're the lawyers for the government. We're being paid to come here to represent the government, to defend the government against this. Judge, whoa! There are no rights in the Victims' Bill of Rights."

That's what happened. So the government wasn't in a position—that would have been pretty silly. You've got to seek leave to appeal. Do you need leave to appeal, parliamentary assistant to the AG, at that point? I think you do. But, you know, the judge looking at it says, "What do you mean you're looking for leave to appeal?" The judge granted the government's own argument that there are no rights in this bill, and this government promised and the Premier promised that the Victims' Bill of Rights would be corrected in response to that judgment. That promise was never kept. Three times he promised. It sounds like a fable of some sort, some old myth.

But let me put this to you: just as the government and this emperor have proven to have no clothes when it comes to the Victims' Bill of Rights, the government's attire, its sartorial equipment, is very shabby, if it existed at all, when it comes to the Victim Empowerment Act.

**The Deputy Speaker:** Questions and comments?

**Mr Bob Wood (London West):** The member in his speech described what he considered to be the function of



parole. I think he substantially correctly described it. I would describe it slightly differently by saying it's the function of the court to determine the sentence, and the function of the parole board to decide how part of that sentence is carried out.

I think, in considering this issue, we should consider what the purpose is of parole. I think the primary purpose is to avoid repeat offenders. I think the hearing and the disposition of the hearing should give the offender accountability for what he or she has done. I think this act is going to move that forward by giving a stronger degree of accountability because of a greater involvement of the victim.

The member has advocated even greater openness. I think there are some valid points behind his arguments and I'd invite him and others to make those arguments further; and they may well see some further progress in due course.

I'd also like to draw to the attention of the House that the policies that we have pursued in the criminal justice area in general, part of which is in corrections, have resulted in a 28% drop in reported crime from January 1, 1995 to December 31, 1999 in Ontario. That is a very substantial bit of progress that we didn't see in the period 1985 to 1995. So I would invite those interested to consider those figures.

I'd also like briefly to note that there was reference made to the provisions with respect to grooming. If in fact this is self-policing within the institution, these provisions won't be needed. I think with respect to some, they are.

**Mr Richard Patten (Ottawa Centre):** I'm essentially going to respond to the member for Niagara Centre, but given some of the comments that I heard from the member for London West, it's interesting that the fundamental—we've been saying for a long time that essentially crime is going down. Of course, the justification for getting tougher and making sure that we are more stringent around young offenders is because crime is going up in certain selective areas of statistics.

I want to comment on the member for Niagara Centre, who I believe touched on a number of important issues. I don't know how many members listened to some of the points he made. I was Minister of Correctional Services at a certain point in time. I spent a fair amount of time visiting almost all of the jails in our province, spending a lot of time meeting with people in community programs, those who attempted to address the real problems.

You can become punitive and you can want to be vicious and you can want to say in a simple manner to the general public, "We're going to be tough on these people who have committed crimes." I agree, people should be accountable for what they do. The fact remains that this government—the member for Niagara Centre will find some solace in this—has put back many programs that they ripped out in 1995 when they were in there so quickly to do away with some of the programs in the community that gave half a chance to someone who was coming out.

As the member pointed out, in fact you only have two years less a day, which essentially often means anywhere from six, seven, eight, nine, 10 months, there on in, depending on what happens. But I point out to the government that they should listen to the full range of activities of who is participating—

**The Deputy Speaker:** Thank you.

**Mr Marchese:** I want to congratulate the indefatigable member for Niagara Centre, who has helped us, the public, to demystify this bill, helped us to exfoliate this smelly onion called the Victim Empowerment Act.

You'll recall, Speaker, as the member said, when they realized how embarrassing and pitiful it was, when Judge Day ruled that the Victims' Bill of Rights had no rights, this government had to come back with something that pretends to give victims power, some power—or rights, presumably. So they came back with a bill, bells and whistles and all, called the Victim Empowerment Act. All it says is that the government has the power by regulation to determine, more or less, which victims, if any, will be able to attend parole hearings of the criminal who victimized them. That's it. So the member asks all the questions—that's why I said exfoliated the onion, demystified it—by saying, "To what extent will the victims have a right to participate?" We have no clue. Will the government ensure victims get to go to the parole hearings, depending on where they are? It can be very expensive. We don't know. "Will they have a right to a lawyer," he argued, "who is familiar with this process?" We don't have a clue.

What the member for Niagara Centre does give us a good clue of is that the criminals are going to be groomed. He says, more or less, is the criminal going to be caressed to correction by putting him somehow on that barber's chair where some hot towel is going to be on his rough beard to clean him up? He's clear on that. You people are clear on that. But in terms of rights for the victims, there are none.

**2050**

**Mr James J. Bradley (St Catharines):** In the hour the member had to speak this evening, he certainly covered all aspects of the bill. One of the areas where I think there's a consensus, at least on this side of the House, that there's a deficiency in legislation of this kind is in terms of the resources. Very often we hear announcements from the government on pieces of legislation and it sounds very good on the surface. There's a press release that is put out, there's much trumpeting of the details of the legislation in certain ridings across the province by the government members, but there's never a real commitment to the kind of resources the government needs to implement this legislation.

The member for Niagara Centre knows very well when we talked about a victims' rights office previously—he's made the case 100 times in this House about the weakness of legislation of that kind. But we hear the office announced, we hear bills of this kind put forward by the government, and we do not see the resources. So while it's there on paper and while the crime

commission members can put their trench coats on and make their speeches around the province, the fact is that the government won't devote those resources.

With the over \$2 billion that they're giving to the corporations of this province, they're not going to have the revenues to be able to implement programs of this kind, let alone in health care. They're going to be in a disastrous position in health care and education and other areas because they are yielding billions of dollars in tax revenue. They're certainly not going to be able to have the resources to make this bill effective, and the member for Niagara Centre made that case very well.

**The Deputy Speaker:** Response.

**Mr Kormos:** As I say, New Democrats are going to support the bill, but I call upon members of this assembly, every single one of you, please, this bill is so important in so many ways that are not apparent by virtue of its text. Is it important in terms of the rights or the empowerment that it will give victims? I say to you, no. But what is important is the opportunity in the debate around Bill 60 to point out the areas in which this government has got to step up to the plate and meaningfully affect some rights for victims. Please, don't treat this bill as, "Oh, another bill. It's going to pass anyway, so let's let it zoom through the Legislature and let it become law."

My fear—and I hope you share this fear because it's been demonstrated by this government in the past every darn time it deals around the issue of victims and victims' rights—is that the government uses it for its photo op and then it just disappears into thin air. I understand the attractiveness of saying, "Oh, let's not debate this bill until every member of this House has debated it. After all, it appears"—and I would think not, or no reason why not—"that everybody is going to support it." That's fine and good.

I've got some very modest reasons for supporting it, as I suspect a whole lot of other people do, because it's a modest first step. But we'd better take the bull by at least one horn here and start to understand that this bill is a pathetic response to the cry for victims' participation in their own security after the arrest and prosecution of an offender.

There have been enough victims denied far too many rights. Let's not forfeit this opportunity to fully debate this government's deficiency in that regard—its history—and, more importantly, this bill's deficiency, and use this debate as an opportunity to point out what this bill should consist of rather than what it is, every one of us.

**The Deputy Speaker:** Further debate.

**Mr Dave Levac (Brant):** I appreciate the opportunity to spend what time I do have on this bill, Bill 60. Inside of Bill 60, as the member for Niagara Centre tells us, are three small components. Those three components are around the parole hearings: a greater role for victims; offenders accountable for their actions and discipline; and to provide inmate grooming standards and to make other amendments to the act.

One of the other amendments to the act that's being referred to is a monitoring system that we fully agree

with. The fact is that it's nice to see that the government of the day on this side has followed the lead of the federal government. They've been doing that for quite some time now and it's nice to see that they have learned from an example set by the federal government. I will not be surprised to hear in a very short period of time that there's something wrong with what the federal government is doing and that they're trying to correct this problem.

With regard to the parole hearings, we support the idea that victims have a larger role to play. I think the member for Niagara Centre has brought us to the realization that we'd better do some serious debating about what that role is and how much the victim is going to have a say in those parole hearings and indeed making sure that we educate the public about what the parole hearings are all about, because quite frankly, they don't understand it, they're suspicious of it. I think the responsibility of this government and Legislature is to make sure that the people understand the legislation to the best of their ability and make sure that we pass legislation that they're fully supportive of. The way to do that is to make sure public consultation is deep and it's broad and it's honest and it's frank. To do that, it requires you not to take your briefing notes, not necessarily to take those people you've got in a corner somewhere who are advising you, "This policy looks good on paper. It'll sell well. We'll be able to push this one and we'll make the agenda." Those are the people you hear from all the time. It's time for us to say, "Put them to sleep for a while. Let's talk about what the victims really need."

Let's talk about a few of the items in the bill that are not being covered. There has been reference now three times under our discussion and debate on Bill 30 and Bill 60 about Camp Turnaround. Everyone's beating their chests about how it's such a great success story—Camp Run Amok.

*Interjection.*

**Mr Levac:** Give me a chance here. I've got to get my little nickname in here.

The reality is, as has been pointed out many times, there was an escape on the first day. They had to bring in the public service to bring back some civility there and to show some of the people who are at the private sector how to run this place to make sure they can bring some control, some sanity into that place. Quite frankly, we've got some problems there. Yet this ministry and the members on the other side want to beat their chests by saying that we've got a success story here.

The member for London West wants to tell us all that the statistics don't lie, they tell the truth. Everybody knows exactly how he wants to use those statistics.

Let's talk about the actual function of the message that was sent to us by the T<sup>3</sup> company. This company was hired to give them a report that was going to make sure that Camp Run Amok gets a good name, a good process. So what did they do? You've heard of the expression of comparing apples and oranges, and the apples have to be compared to the apples to make sure that everything is



fair and just. This is a case of apples and Volkswagens. In terms of the public sector, what they wanted to compare them to were the inmates who had no violence, who weren't on medication, who didn't have any physical ailments and all of those wonderful things; that we have an ideal and a perfect inmate we can put into this camp and we hit them with this process and all of a sudden we're going to get this recidivism rate drop like a lead balloon. The fact is, recidivism actually didn't drop very much at all compared to the same number. They put them in the public system and guess what they did? They left them in the same facility with all of the other programs and all the other types of inmates who surrounded them. So we've got skewed information to start with.

The second claim that's being made—and I was able to get a hold of three different criminologists. We got one from Toronto, I got one from Vancouver, and I actually went over to England—I didn't go myself; I e-mailed, got the information back—and these three criminologists took a look at T<sup>3</sup>'s report and each one of them said this very clearly, as trained criminologists, "There is no way that the government had the right to declare this a success. The report itself, even though it's skewed, made no evidence whatsoever. At best, it was a wash. Therefore the bells and whistles that went off saying that Camp Turnaround—Camp Run-Amok—was a great success were just basically, "If you say it enough out there, if you put out enough press releases, you're going to be able to say we've got proof this camp works."

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Why did they do it? That's the question we need to ask. I guess we know the answer. It's very clear. They said it even before the experiment was finished, both in Camp Turnaround and now in Penetanguishene: "We are still going to proceed with privatization, regardless of the results." We've got a quote from the minister himself, right out of his own mouth: "We plan to proceed with privatization anyway." That's even before the experiment was started, let alone finished. That's a total disappointment. Why am I talking about this? Because the establishment of this agenda fits the type of bill we see today. Let's not worry about cutting somebody's hair before we start getting our eggs in order here.

The minister's move to privatize most of the correctional services in Ontario needs to be slowed down, if not stopped altogether. We are now looking at the privatization of our criminal justice system. It's a failed experiment around the world, and states including Alaska and Rhode Island are turning away from the model. They're now getting out of it, just as they have with the privatization of the corrections. They're getting out of it. It's a failed experiment—the second time we stand up and make this claim. Please get out of the experiment before large damage is done to the people of the province of Ontario, not to mention the correctional officers who deserve our support and security and our communities where these places are going to be located.

Two auditors general, the one for the federal government in the United States and the Provincial Auditor, said

there's no evidence of cost savings in performing all these ideas. Serious security questions were asked by the auditor, and there seems to be a lack of accountability. He basically said you were just paying bills that were submitted to you. They just submitted bills and you paid them. Instead of studying how disastrous this policy is and ensuring they're doing the right thing, I think the minister would say, "Let's give these guys a haircut." By the way, there is absolutely no scientific evidence that giving somebody a haircut is going to change their behaviour. None. Zero. There's no research. There's no scientific evidence. This is a hunch. This is, "Get tough on those guys. If we give 'em a haircut, we'll put 'em in their place."

**Mr Bradley:** Like the skinheads.

**Mr Levac:** Actually, there's even a more drastic example. There's somebody we all know in jail in the United States who gave himself a haircut, and I don't think Charles Manson has changed his attitude whatsoever.

Instead of studying how we're going to give people haircuts, let's talk about staff morale. We've got a former minister who was a part-time minister because we had some problems, and we've got this minister standing up and saying, "Yes, I'm going to embarrass those correctional officers to improve their attendance"—his own words. We're going to embarrass them into improving their standard of attendance and stop using those sick days. Shame on those correctional officers for being absent.

As a matter of fact, before 1995 they were only absent, on average, seven days. After 1995, when this government took over, we now are rising as high as 25 days off, and even those numbers are skewed. Maybe it's got something to do with the way the government treats its employees. Maybe it's got something to do with the fact their stress levels have been stressed to the max with not getting the support they need to do their jobs properly and not having the equipment that's necessary.

The reality of the day is, let's feel sorry for them. Government officials on the other side are sitting back and mocking the reality. They can't understand where the stress is coming from. Get less and do more. That's a bunch of garbage. The reality of the day is that bad management practices by the government—the way this government has treated its correctional officers—are tantamount to criminal. I'm going to get into probation officers in a moment as well, because this is related.

Sick days have increased because of this government. We've got recruitment for new staff down to its lowest levels ever. We've got motivational problems from this minister. We've got safety problems that have been pointed out to him time and time again, not to mention the fact that we've pointed out very clearly that there are going to be fewer correctional officers involved in the day-to-day operations in Penetanguishene than were originally promised. We were promised no fewer than 300 correctional officers in a statement that was made to a public meeting where that was asked by the elected

officials in Penetanguishene. What about the 300 correctional officers that have been promised to us from day one when this privatization issue came to the front? Do you know what their response was? This is a quote: "We need to let the privateers work their magic." Save money.

Budget procedures need to be looked at before we start worrying about giving inmates haircuts. The Provincial Auditor has given the minister repeated hand slaps over issues of building facilities worth \$90 million and over budget without a solid business plan. Other issues include building a cook-chill facility that not only cannot meet its meal demand within the system but is millions of dollars over budget and still not operational.

As a side note, it's been brought to their attention that the generators that are supposed to operate the ovens that are receiving the cook-chill facilities—if there's a power outage, the generators that are there are not suited to the machines they purchased on spec. What are they going to do? The auditor asked that question. There's no answer. Right now, new facilities are running millions of dollars over budget. Instead of worrying about sound business practices, the minister would rather concern himself with giving somebody a brush cut.

Inmate transportation costs: The government rushed to build megajails with no handover of the American for-profit prison companies. The minister forgot to say how the inmates were actually going to be transferred. Yet when that was done, they were quoted different regulations that they—meaning the municipalities—were responsible for picking up the tab. Municipal forces are being faced with hundreds of thousands of dollars in new transportation expenses. What do we get from this government? A haphazard discussion paper: "We might take a look at it and discuss with you where we've gone wrong." It doesn't become public.

Some of the estimates in Guelph included an additional \$500,000 in transportation expenses—half a million dollars. In Brantford, my hometown riding, 230,000 new dollars are needed to transport inmates from Brantford to Penetanguishene and Hamilton. Cornwall and Barrie have also expressed serious expenditure concerns. In a recent letter to the town of Cornwall, the minister stated: "However, the Ministry of Correctional Services has provided some funding to police services in some municipalities to transport offenders to correctional facilities, even though there has been no legal requirement to do so .... I can assure you that the ministry officials are committed to working with all affected police services to obtain a satisfactory resolution to many issues that have been raised"—I would tell you, by their mishandling of the circumstances. Why would they not have entered into a dialogue with police officers across the province of Ontario before they made this haphazard jump into privatization?

Probation and parole caseloads: even with hiring a quoted 165 probation and parole officers—by the way, only half of them have been hired so far, since the first announcement a year and a half ago—Ontario's caseloads are still the highest in the country. They are even

higher than the federal government's numbers, if the minister cares to take a look. He and other members keep on claiming they're not very tough on crime over there. Those are two examples of the federal government leading the way in trying to improve circumstances where this government takes potshots at them on a regular basis.

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Probation and parole officers are dealing with far too high caseloads, and this situation is becoming dangerous. I visited parole officers in their work areas and found there was no panic button in some of their rooms. They had blind spots in hallways. They had one office set up where there was no way whatsoever for this person to be protected. A desk had to be put across the front door. These offenders are not behind bars. They're in an office. When this was pointed out, they basically said, "Thanks. We'll get to that."

Probation and parole officers are telling me, and telling a lot of people, that they're extremely concerned about new computer programs being installed by the ministry. The ministry seems to be ignoring their problems and concerns when they're basically pointing out, "You're turning us into data entry people. You're not allowing us to perform the duties we're trained for." Instead of lowering the caseloads and working on the working conditions of probation and parole officers, the minister wants to say how tough he is by giving haircuts.

There's plenty more to talk about in terms of the bill. We want to make sure that when it goes to committee we point out some of the things that have been talked about already, and they bear repeating. What are we going to do about the parole officers, the probation officers, the morale of the correctional officers, the management of the system itself, the failed experiment of privatizing in the justice system and in the corrections system, where many states across the United States have already withdrawn and are now entertaining, even at the federal level, which will be debated within this year, banning private prisons altogether in the United States?

They're so proud of saying they've found all these different reasons for doing this. I want to make sure it is on the record that there might be a relationship between some of the people this government has been dealing with and their own needs, their self-interest. We want to start to analyze some of the people who are giving this government advice and why they're going down this road of privatization.

Mention has already been made today in the House about mental health. Right now, approximately 25% of our inmates have mental health issues. I personally believe it is even higher. As good and professional as our correctional officers are, and as dedicated as they are to doing their job for the safety of themselves, of the inmates and of the communities they're located in, they do not have the training to deal with mental health patients, and that's what they are.

When I visited, I saw somebody in a cell and my first question was: "What's this person doing here? What could they possibly have done wrong?" They were off



their medication. There was no place for them to go. I found out that the second most used place for mental health patients, other than jail, is the streets. Now we've pushed it back down an agenda of putting them on the street or putting them in jail. To me, that is pathetic, and the numbers have grown from 1995 until now. Before 1995, it was estimated that approximately 3%—did you get that?—of the inmate population had mental health issues, and now it's as high as 25% and growing. They've closed down a couple of circumstances that were dealing with this, transferring a couple of units, claiming that they're picking up all these programs.

To speak very briefly, alternatives have been provided, as referred to by the member of Niagara Centre. There's one in my riding that was offered to this ministry. It took them six months to start the first communication, even an acknowledgement that this program was developed. Two people who were in corrections—one a professor, a criminologist, and another a 30-year correctional officer—after retirement, got together and formulated what's called the "alternate solution" to reduce recidivism completely by getting into what really is the issue, that is, what's getting them there in the first place. In a very high percentage of cases it is addiction.

What are you doing with all the programs that were in existence before 1995? As was pointed out by the member from Ottawa, we are slowly starting to put some back. I desperately fear we've taken away far too many programs that get to the heart of what corrections are all about, and that is not to be punitive, not to be tough on crime, but to offer a solution. So woe is it for you to think for one minute that your giving somebody a haircut is going to change the circumstances. You better open your eyes.

**The Deputy Speaker:** Questions, comments?

**Mr Kormos:** I listened carefully, of course, to the member from Brant. I think he's been there as well. I was in Guelph reformatory not too long ago, back when—

**Mr Joseph Spina (Brampton Centre):** How much time?

**Mr Kormos:** That was a real clever comment. I spent a day there, quite frankly. What I saw was atrocious. I saw machine shops shut down with no staff to run them. I saw the horticultural shop shut down with no staff to run it. I saw an image going back to the 1950s when Donald MacDonald in this Legislature generated the last major wave of prison reform. I saw inmates lying in their bunks midday with nothing to do—no activities, no programs—idling away the time. That's nobody's idea of an effective correctional system. This government, the Harris government, shut down the programs. You shut down the horticultural program. You, the Harris Tories, shut down the machine shop. You shut down the largest part of the textile mill. And it is nothing for any of you to be particularly proud of.

Let me tell you, friends, you've been blessed with a drop in the crime rate, because you have made no contribution to meaningful rehabilitation of women and men in our provincial correctional institutions. Thank good-

ness for that prevailing statistic of reduced crime, because the jails that you have maintained during the course of the last six years are retroactive returns to a period 50 and 60 years ago. I've witnessed it. I'd suggest that some of you get out of your leather chairs here and go and take a look at some of the havoc that you've created in Ontario's correctional system.

**Mr Wood:** The member accepted my invitation to talk about Camp Turnaround. I'd like to share with the House what the statistics are. The repeat offence rate among the graduates of Camp Turnaround is 33% versus 50% in the control group. The costs at Camp Turnaround were approximately two thirds of those in the public system. That is an indication of very considerable success.

The member from Brant says he doesn't believe the study. But he didn't tell us why he didn't believe it. I think that in his reply he owes the House a clear explanation of what's wrong with the study that was done. The fact of the matter is, I think it is a valid study. I think the member might also wish to share with us what his position on Camp Turnaround is. Does he think it should be closed? I think he should tell the House that tonight. It is a fact that his party did not believe this would work in the first place. They said it wouldn't work. They didn't believe the research we did that said it would. The project has now achieved significant success and they don't believe that either. At some point they're going to have to wake up and smell the success that in fact Camp Turnaround has been.

I think he should also share with the House what he thinks about this bill. Does he support it or does he oppose it? I gather from his remarks he may not believe the Canadian Centre for Justice Statistics, which reports that crime has dropped between 1995 and 1999 by 28%. Perhaps he can share with this House whether or not he believes these statistics from the Canadian Centre for Justice Statistics. If he doesn't believe the numbers, he should tell us why he doesn't believe them. I think he might also share with us, if he thinks our policies on corrections and community safety aren't working, how does he account for the 28% drop in crime?

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'd like to make some comments about observations that I've made at the correctional facility that's located in my riding, in Napanee, just up the street from my constituency office. When I read the bill, I would suggest to the members of the Legislature—I think the points have already been made by members of my caucus—that while the bill is noble in its intention, it is very light in terms of substance.

**2120**

I would like to refer to that part of the bill particularly with regard to "prescribing grooming and appearance standards for inmates serving sentences in correctional institutions that are relevant to the security of those institutions or to the health or safety of persons" in those institutions, and requiring compliance with those standards. I would only suggest that on my most recent visit to the correctional facility, the issue with the inmates there

is the 12-hour lockdown. It has created a morale within the system, among the inmates, that is not a healthy one, and it has also, in my opinion, created a safety issue for the officers who work in the institutions. There is the issue of overcrowding in the penal institution in my riding as well, where three inmates are placed in cells that were built to house one individual.

So if you want to talk about health and safety and well-being and good grooming, I would suggest that the conditions that you and your government have created in the penal institutions in this province, where you are locking down three people in a cell made for one person for 12 hours, do not contribute to the good mental health or well-being or safety of the people who are housed in that facility or who work in the facility.

**Mr Dominic Agostino (Hamilton East):** I certainly want to add to the words that have been said by my colleagues. I want to talk briefly about similar experiences in the Hamilton detention centre to what my colleague just talked about. This government likes to talk the talk and likes to believe that our justice system and our penal system should be based on some archaic 1800s standards rather than understanding that we have a different system today. We have to understand that every single one of those folks who is put away and locked up ultimately is coming back on to the street. You seem to take the approach that that day will never occur.

You've taken away programs. You've taken away rehab programs. You've taken away training. You've taken away opportunities for learning so that hopefully when these people get back out on the street they won't reoffend. You've done all that to try to pretend that you're tough on crime. What you are in effect doing is causing more criminals to go out there, harder criminals to do harder crimes in the future.

Look at the way you've treated our system. You've been warned about the conditions in our detention centres. You've been warned about the overcrowding. You've been warned by the guards as to the difficult situations they're in. We've seen situations in the detention centre in my community of Hamilton where we've had drug overdoses, where we've had people sneaking drugs into the jail. We had an incident a week ago—and they had been warned that those windows could be broken—where somebody broke a window, stuck a broom handle through, put drugs on it and sent them into the prison.

Those are the kinds of things you've been warned about, and you do absolutely nothing about them. You've critically understaffed it. You've been warned that it's a powder keg ready to explode. You've been lucky a couple of times, thanks to the good work of the jail guards and the Hamilton police department in subduing some very dangerous situations, but you're not going to be lucky forever. You've got to do something about the situation. You've got to do something about the overcrowding. You've got to do something about the programs you've taken away. You've got to do something about the shortage of guards you have for the number of

people you have in place. This province does not have a standard that says you have to have so many guards for so many inmates. You basically do it on cost-cutting, and you've got problems. You're going to have harder criminals going out, and that's going to be your legacy in years to come.

**The Deputy Speaker:** Response?

**Mr Levac:** I want to express my gratitude to those who engaged in this debate: the members for Niagara Centre, Hastings-Frontenac-Lennox and Addington, Hamilton East and London West.

The member from London West has thrown out a bunch of challenges and dropped the gauntlet down to try and say, "What about T<sup>3</sup>?" If he had paid attention, he would have known that I referred to three experts in criminology who have studied over 30 years apiece, looking at and evaluating criminology and taking a look as to whether or not these types of programs are successful. All three—one from British Columbia, one from Ontario, one from England—made it very clear that the results were not attributable to this government in terms of the success it claims. It's not as successful as they say it is, but they're going to keep on crowing.

As far as the 28%, he keeps crowing. As a matter of fact, that reminds me of the member from St Paul's, who likes to remind the government on the other side that you're sounding like a rooster that wants to take credit for the sun rising. You have not given one iota of credit—not one—to the police departments, not one to the municipalities, not one to the federal government. It continues that they just simply want to bash the feds, take credit for everything they claim is going right, and if there is something wrong, they say it's got to be somebody else's problem. We're not going to go to the municipalities when it comes to giving them credit for doing something right. We're not going to give the police department credit for doing something right, and overall the mindset of the people out there seems to be saying that crime is dropping. But they want to say that since 1995, "We've made sure that crime has gone down."

The reality is that you keep crowing, the sun is going to keep dropping, and you can keep taking credit for the world's great things, but when it comes time for you to take exception, you'll want to take responsibility for the things that don't work. "I'm sorry that it didn't work. I'm sorry that it took two years for Bartolucci's bill to get passed, and we're not supporting Project P because we've only got 14 members on the board."

**The Deputy Speaker:** Further debate?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I'm happy in the time remaining in our session this evening to be able to say a few things about Bill 60, the Victim Empowerment Act, and perhaps to begin with the one part of the bill which actually speaks to the title of the bill, which is the fact that this bill does provide for victims of crime to appear at parole board hearings, something which was recommended by the Office for Victims of Crime in the year 2000, and which is only now being brought forward in legislation. I should



recognize that it was also brought forward in the spring. It was one of the many bills brought forward by the government which were allowed to die at the end of the spring session, and has been reintroduced in the fall session.

Obviously, I think people on all sides of this House are going to agree that there should be a provision that allows victims of crime to appear at parole board hearings and to have their concerns expressed. But that is kind of the beginning and the end of what this bill does in terms of any empowerment of victims, because this is yet again one of the Tories' many omnibus bills where they throw a whole lot of bits and pieces of other things into a bill, maybe in the hope that it will look like they're doing something, and too often in the hope that people will not even notice they've put some additional items under the bill that claims to speak, in this case, about victim empowerment.

I do have a caveat about the bill itself, even though I agree that victims should be given the ability to appear at parole board hearings. My caveat is that this is one of a number of bills which we could deal with in terms of its essential elements very quickly, where we don't need prolonged debate because there is an agreement in the House about the basic principle. In the meantime, this government has been notoriously negligent in its failure to bring forward the substantive bills that we've been waiting for in a number of areas.

I'm the critic for health care, so let me mention two health care bills that we've been waiting for session after session after session. One is the Long-Term Care Act changes, which would address some pretty crucial issues for people who are in their own way being victimized by their own government in being allowed as frail elderly seniors to be in their own homes without adequate care. Where is the Long-Term Care Act that would address the government's responsibility on a crucial issue like that?

For that matter, where is the privacy bill that this government did introduce last winter? It was a bill that was so badly flawed that the government had to withdraw it, and the government has, at this point, not seen fit to come back with an amended bill.

I realize the time is fleeting. There are a couple of really crucial issues which my colleague from Brantford has drawn out today. One of them is the fact that a part of this bill, believe it or not, takes time to deal with giving the government the power to create grooming and appearance standards for inmates. It's ironic to be debating that in the House this evening, because this is Mental Health Awareness Week. The associate minister of health made a statement about Mental Health Awareness Week in the House this afternoon. One of the issues that the associate minister didn't touch on was the fact that, as my colleague has drawn forward, 25% of the people who are in our correctional institutions have mental health problems. They are mentally ill. They are people for whom the mental health system, the health care system, has no place, and so they end up, if not on the streets, as my colleague has said, in our correctional institutions as a holding place. I can assure you that giving the government the power to create grooming and appearance standards is not going to do anything for the 20% of the inmates in our correctional institutions who have mental illness problems.

May I suggest as we get into the debate about Camp Run Amok, as my colleague from my Brantford has so appropriately called it, that presenting some statistics on a very selective population and how well they may or may not have succeeded in this Project Turnaround boot camp does nothing to speak to the failure of this government to address the very real needs for rehabilitation of young people who are in our correctional facilities outside of Camp Run Amok. I would suggest to you that a large majority of those young people have learning disabilities and are receiving absolutely no assessment or treatment.

I understand, Mr Speaker, as you are about to rise, it may be 9:30 of the clock, and we will adjourn the debate until the next day.

**The Deputy Speaker:** Thank you. It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2130.*

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Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
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		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 10 October 2001**

**Mercredi 10 octobre 2001**



**Speaker**  
Honourable Gary Carr

**Président**  
L'honorable Gary Carr

**Clerk**  
Claude L. DesRosiers

**Greffier**  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 10 October 2001

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### GASOLINE PRICES

**Mr Michael Gravelle (Thunder Bay-Superior North):** I don't believe I am remotely exaggerating when I say that drivers in Thunder Bay and northwestern Ontario are thoroughly fed up with the high price of gasoline at their local service stations. Recently, prices soared to over 80 cents a litre in Thunder Bay and were in the mid- to high 80s in other communities in my riding.

But what makes us more convinced than ever that this is nothing more than gouging by the oil companies is new evidence that the price differential should be no more than four cents a litre between Thunder Bay and Toronto. Yes, we accept that transportation costs and lower-volume issues justify a slightly higher price, but a 15-cent difference, which is the reality right now, is nothing more than a rip-off for the people I represent.

Yesterday when I flew out of Thunder Bay, the cost for gas was just over 72 cents a litre, a drop of 10 cents from that outrageous price two weeks ago. Yet when I arrived in Toronto, the cost for gasoline here was only 57 cents a litre; the 15-cent difference was maintained. Not only is this unacceptable, it seems impossible to justify. That is why, at the behest of a new gas price task force recently formed by Thunder Bay Mayor Ken Boshcoff, I have written to the heads of all the oil companies, asking them to justify these price differences or, more hopefully, commit to a fairer deal for all northwestern Ontario residents.

Today I'm also calling on the Premier, the Ministry of Energy and the consumer minister to help us get this fairer deal. Perhaps it's time for the Premier to put some real pressure on these companies so they cannot continue to post whatever price they want at the pump. People are very angry about this, and well they should be. This unfairness must be stopped.

#### CORRECTIONAL FACILITIES

**Mr Frank Mazzilli (London-Fanshawe):** I rise in the House today to notify the members of this Legislature and the people of Ontario of the disturbing state of affairs

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 10 octobre 2001

in our federal correctional facilities. Last month, Clinton Suzack, convicted in the 1995 slaughter of Sudbury police constable Joey MacDonald, was transferred to another luxurious Club Fed vacation destination.

The criminal was moved to William Head, located on the southern tip of Vancouver Island. This resort-like correctional facility is described by Corrections Canada as having a "unique physical environment—bordered on three sides by ocean." In Ontario, that's called waterfront property, and it's prime real estate.

I have also been advised that inmates at William Head can golf on a small pitch-and-putt golf course, they can go fishing and have an amazing view where they can watch whales swim in the ocean.

This sends a message to Canadians. It says that if you kill a police officer, you'll be punished and you'll be restricted to playing golf and watching whales on prime real estate.

I sympathize with all police officers who risk their lives each and every day. On September 11, the attack on the United States taught us all that we cannot take our emergency service workers for granted.

How is it that Corrections Canada, the federal Liberals and their Ontario lieutenant, Dalton McGuinty, can take Joseph MacDonald's life for granted by transferring his assailant to minimum security after only eight years? Murdering a police officer is a cowardly act and unacceptable, and transferring Clinton Suzack to Club Fed is an insult to all police officers in this country. It's time that the federal Liberals take the lead of the Mike Harris government that gets tough on convicted—

**The Speaker (Hon Gary Carr):** The member's time is up.

#### GASOLINE PRICES

**Mr Bruce Crozier (Essex):** Premier, gasoline prices are grossly out of line in southwestern Ontario, and you should do something about it. My constituents are fighting mad over this. Gasoline prices in my community, for example, range from 68 cents a litre to 73 cents a litre. Today, prices in Toronto range from 55 cents a litre to 67 cents a litre. If we're to believe what the retailers say, they don't have much margin to work with. In fact, I think it would be cheaper if they came down to Toronto and got a load of gasoline and took it back home to sell it.

You know, I believe the retailers in that they don't have that much margin. What it's all about are gasoline



companies that are gouging us. What does the Premier say about this? A year or so ago he appointed gas-busters. Well, a lot of busting they did. They busted the price right up to the ceiling.

What do the oil companies say? "It's supply and demand." I think the oil companies are simply gouging us. That's what they're doing.

What does the Premier then say to the oil companies? "We're going to give you a tax cut. We're going to give these great, big corporations who are making millions upon millions of dollars on the backs of southwestern Ontario constituents a big tax cut." We won't stand for it.

### KEELER CENTRE

**Mr Doug Galt (Northumberland):** I rise in the House today to recognize the official opening of the Keeler Centre, a new community and recreational facility in the village of Colborne. The Keeler Centre is a multi-purpose community centre which features a state-of-the-art hockey arena and banquet hall.

The building is environmentally friendly, using a heating and air conditioning system based on the latest heat pump technology. Even the seats of the arena are heated through the heat pump's underground system.

The arena also features an impressive acoustic arrangement which completely eliminates echo. This achievement is especially notable, particularly for those parents who regularly spend frosty Saturday mornings watching Junior practise his slapshots. The boards are made from fibreglass, which also helps keep Junior safe.

For evening events, the Rotary banquet hall can seat some 400 people and is ideal for hosting special functions. It will also serve to accommodate regular meetings of service clubs, local organizations and seniors' activities.

This coming weekend I will be in Colborne to join dignitaries from the municipality of Cramahe for the gala opening celebrations. I commend all the people who were involved with the project, and I look forward to the many successful events and community parties that will be held at the Keeler Centre.

### GOVERNMENT ADVERTISING

**Mr James J. Bradley (St Catharines):** These are trying and challenging times for our province, with new realities confronting us as a result of the tragic and horrifying events of September 11. There's a justified expectation that government will play a central role in ensuring that our citizens are protected from threats to their safety and security, and a recognition that additional funds must be found to meet this challenge.

When security was breached at the Bruce nuclear generation station about a month after the terrorist attack on New York and Washington, with an individual being able to gain access to the station property, there was understandable apprehension and support for an investment in increased security measures at the nuclear plant.

What is not necessary is the Harris government using these difficult circumstances confronting us as an excuse to squander huge sums of money on self-congratulatory, full-page newspaper ads. Surely the millions of dollars in the Harris administration spends on partisan advertising in a year could be put to far better use than a public relations campaign to shore up the sagging popularity of the Premier. Fire and police departments, public health agencies, hospitals and emergency measures organizations would benefit immensely from an infusion of funds from the provincial government.

If Mike Harris wants to engage in a self-congratulatory advertising campaign, then let his well-financed Conservative Party pay for it and use hard-earned taxpayers' dollars for the public good.

### VISITORS

**Mrs Marie Bountrogianni (Hamilton Mountain):** On a point of order, Mr Speaker: We have visitors from Mount Olive Christian Academy from Hamilton Mountain here. Welcome.

### EDUCATION FUNDING

**Ms Marilyn Churley (Toronto-Danforth):** The Harris government has stated its strong commitment to quality education for children in their early years, yet their education policy suggests otherwise. I recently attended a meeting with parents and educators and our school trustee, Paula Fletcher, to discuss the cuts in education assistants in junior and senior kindergarten. These cuts are being made by the board because the funding formula is totally inadequate to meet the needs of quality education in this province.

The Toronto board of education has yet again to make more cuts, to the tune of \$126 million from this year's budget. The funding formula provides just under \$1 million for education assistants in regular kindergarten classes. The board is currently spending \$22.3 million to provide 800 necessary education assistants in regular kindergartens, including a small component, a complement for open-plan schools, French as a second language and ESL and those kinds of situations.

1340

The surrounding areas outside the old Toronto, after amalgamation, did not have the same complement of teaching assistants, so what the board has had to do is harmonize down. Talk about meeting the lowest common denominator. That's what's happening here, and it has to be fixed.

I call upon the Minister of Education to look into this today.

### EVENTS IN DURHAM

**Mr John O'Toole (Durham):** I rise in the House to recognize the Scugog Fire Department's auto extrication team. The team finished third overall at the international

fire extrication competition held in Burlington last month.

The Scugog team was competing against volunteers and full-time fire departments from across the United States, England and Canada. In this contest 28 teams battled the clock in simulations that tested their speed and skills with power rescue tools and hand-operated tools. I might add that Scugog scored first among all Canadian teams.

I'd like to congratulate District Chief Dave Ballingall, the coach and supervising officer, along with team members Jamie Donaldson, Clint Walker, Don Buldyke, Dave Reed and Mike Morden.

In addition, I am pleased to report that the newly renovated Scugog Fire Station Number 1 will be officially opened tomorrow, Thursday, October 11. This station on Crandall Street in Port Perry has been enlarged to approximately 12,000 square feet. I am sure we'd like to congratulate Chief Richard Miller, Deputy Chief Rob Gonnermann, District Chief Dave Ballingall and each of the 50 part-time professional firefighters who serve Scugog township.

I applaud the Scugog firefighters for achieving two milestones: the success of their extrication team and the opening of their new fire hall. Congratulations should also be extended to Scugog Mayor Doug Moffatt, Scugog town council and the citizens of Scugog. They have every reason to be proud of their firefighters.

#### EDUCATION FUNDING

**Mrs Marie Bountrogianni (Hamilton Mountain):** I rise in the House today on behalf of the parents and students of Buchanan Park school in Hamilton. The current situation in the junior and senior kindergarten class finds 49 students, three- and four-year-olds, with two teachers. This situation is untenable. Is this an example of Harris's pledge to reduce classroom sizes?

Clearly the situation at Buchanan Park illustrates that this government does not take education seriously. Children have difficulty learning constructively in overcrowded environments. Any child with a special need or auditory problem will especially be lost. There are two children who are English-as-a-second-language children in this classroom of 49.

If this was a daycare centre, it would be closed down. Parents have serious safety concerns, and furthermore, students are being denied the high quality of education they deserve.

Yesterday I presented a petition to the Legislative Assembly asking for immediate action by this government to increase funding to school boards, adjust the funding formula and place a real cap on primary class sizes of 20 students, as the Liberal Party recommends.

I am calling on this government to help the students of Buchanan Park succeed by acting now. Give back the millions of dollars you have taken away since 1995 so that three- and four-year-olds can get the proper education they deserve.

#### ONTARIO SECURITY

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** This Thanksgiving weekend, people in my riding of Haldimand-Norfolk-Brant were honoured with the presence of Ontario's newly appointed security adviser, retired Major General Lewis MacKenzie.

As one of Canada's most famous military figures, Major General MacKenzie honoured our war vets as the reviewing officer for the 39th annual Warriors Day parade at this year's Norfolk country fair. This is one of only three Warriors Day parades in the province. It reminds us of the commitment and the sacrifice of those who served in times of war. These military personnel who have placed themselves in the front lines are heroes in the truest sense of the word. As Major General MacKenzie stressed, "Heroes are people who sacrifice their lives for others."

As we reflect on heroes and battles past, we reflect on today's challenge to our safety and security. Then, as now, people step forward and answer the call in our time of need: military personnel, emergency workers, police, firefighters. Then, as now, Ontario remains strong and at the ready.

The warriors of the past have taught us well, but there is much work to be done in the months ahead to meet and emerge victorious from this challenge of terrorism. The government of Ontario and the people of Ontario have risen to that challenge, and I look forward to next year's Warriors Day parade.

#### VISITOR

**The Speaker (Hon Gary Carr):** Before we continue, seated in the Speaker's gallery today I'm very pleased to welcome to our Legislature the Honourable Patricia Forsythe, member of the New South Wales Legislative Council in Australia. Please join me in welcoming our special honoured guest.

#### INTRODUCTION OF BILLS

##### PREVENTING PARTISAN ADVERTISING ACT, 2001

##### LOI DE 2001 VISANT À EMPÊCHER LA PUBLICITÉ À CARACTÈRE POLITIQUE

Mr McQuinty moved first reading of the following bill:

Bill 107, An Act to end government spending on partisan advertising / Projet de loi 107, Loi mettant fin aux dépenses du gouvernement en matière de publicité à caractère politique.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion please say "aye."



All those opposed please say "nay."

In my opinion, the ayes have it. Carried.

The member for a short statement.

**Mr Dalton McGuinty (Leader of the Opposition):**

Quite simply, my bill would finally bring to an end this government's terrible and wasteful practice of spending precious taxpayer dollars on partisan political advertising.

*Interjections.*

**The Speaker:** Order. We need to be able to hear what we're supposed to be doing.

## MOTIONS

### COMMITTEE MEMBERSHIP

**Hon Janet Ecker (Minister of Education, Government House Leader):** I have a routine motion here concerning the membership on one of the committees. I move that Mr Prue replace Mr Marchese on the standing committee on general government.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

## ORAL QUESTIONS

### ONTARIO SECURITY

**Mr Dalton McGuinty (Leader of the Opposition):** It was my understanding, Mr Speaker, that the Minister of Energy would be here, and I have a question for him.

*Interjections.*

**The Speaker (Hon Gary Carr):** Just so we know, we did finish the introduction of bills a little bit quicker than normal, so we'll give a little bit of time for some of the ministers. We're a little bit early. We'll reset the clock and start at the beginning. I think we should be ready.

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**Mr McGuinty:** Minister, three weeks after September 11, a man walked unchecked, unimpeded, on to the grounds of the Bruce nuclear site. You've now had a full day to look into this. Can you tell us—because Ontarians are very concerned about this—how could this have happened three weeks after the most horrific terrorist attack that ever took place in North America, that a man could walk unimpeded, without being checked, without encountering any security measures whatsoever, on to the grounds of a nuclear generating site in Ontario?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** The facts are exactly as I outlined them yesterday. The gentleman went through a perimeter fence, which is a short fence. It is a fence that marks the—

*Interjections.*

**Hon Mr Wilson:** Excuse me. It is a fence that marks the property line. It's some three kilometres away from the actual security fences that surround the reactors. A phone is on the administrative building inside of this little fence, and it is meant for exactly what the gentleman used it for. It's for people who are in distress to use and to phone the security of the plant, who did respond right away and brought him into the building to warm him up, because he and his friend were suffering from hypothermia. They were transported to the hospital.

I would say to the honourable member that you have had overnight to go up to the Bruce and to see for yourself that the facts are exactly the way I have been describing them.

**Mr McGuinty:** Perhaps the member would invite all Ontario families to visit the site at the same time.

I can understand why the minister would be anxious to quickly dismiss this concern and to get it behind him. But let me tell you what the Solicitor General said yesterday. He said, "Clearly, there was a breach, but nobody contemplated anybody coming in from the water." You will know, as the Minister of Energy, that all three of our nuclear sites are situated adjacent to water.

So the question I have for you, Minister: three weeks after the most horrific terrorist attack in the history of North America, how can it be that, when it comes to the security measures at our nuclear sites, there are no security measures in place beside the water?

**Hon Mr Wilson:** This particular area is a boater-safety area. It's a sluice in the water, and boaters, local duck hunters and fishermen know that's an area where they can go to access the emergency telephone. As of today, we've moved that telephone closer to the water so that there's no perception of them getting through any security fence, which did not happen.

If the honourable member would attend the site, as, I will tell you, most of the media here have done—they've gone up and taken pictures, and they're very satisfied. This is a small perimeter fence like you'd see around a schoolyard; it is not our big, huge security fences, which are some three kilometres away. It's a small administrative shack. The phone is there for the purpose that it was used for. We're now making more phones available, so there's no perception at all that someone broke into the nuclear facility. That did not happen. It would not happen, because we are very confident that the measures that we've taken, that Bruce Power has taken, are making our plants very, very secure.

**Mr McGuinty:** One of the reasons Ontario families are wondering about this is that in the expensive political propaganda they paid for in today's papers it says, "Since September 11, we've taken swift action to protect our people." Three weeks after September 11, this man ambled on to the site of a nuclear plant in Ontario—three weeks after September 11.

Minister, yesterday you said, "Our plans are as good or better than many of the plans in place for US nuclear sites." So we contacted the Fermi II plant in Michigan to see if they had any suggestions on securing nuclear plants

from the water. They refused to discuss specific details, but they insisted that at minimum they have to have the US Coast Guard there establishing a security zone.

So my question to you is, four weeks after September 11, on the same day you tell us that since September 11 you have taken swift action to protect the people of Ontario, why have you not established a secure perimeter zone around nuclear sites in Ontario?

**Hon Mr Wilson:** We don't discuss the details of the actions we've taken.

*Interjections.*

**The Speaker:** Order.

**Hon Mr Wilson:** You should know that the federal Liberal government is actually responsible for the security at our plants. The Canadian Nuclear Safety Commission—

*Interjections.*

**The Speaker:** Stop the clock, please. Order. It's time to proceed. Sorry, Minister.

**Hon Mr Wilson:** Ralph Goodale, the federal minister, and I have spoken about security in our plants. The federal government is very satisfied with the quick action we took to ensure proper security at the plants. Again, the only person in Ontario today who is fearmongering about this incident, which had nothing to do with security at our plants, is the honourable member.

**The Speaker:** Order. The minister's time is up.

#### GOVERNMENT ADVERTISING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Deputy Premier. Minister, I want to talk to you about this wasteful, expensive, partisan political advertising you've run in today's Ontario papers. I just want to set the scene and the context a little bit for you.

Our families today feel a tremendous sense of insecurity. They want a sense of personal and economic security to come from this government in real and concrete ways. They want much to be done in terms of improving our security provisions—and we've just heard from this minister that you're failing to do that. They want to know that you're dealing with the economic downturn. In addition to all that, they want to know you are still protecting health care, education and the environment. Given all that, all those pressing priorities and urgent needs on the part of our families, can you tell us how you've decided that your greatest priority today is to put hundreds of thousands of dollars into wasteful partisan political propaganda?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I know the Chair of Management Board would like to answer this.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet):** Clearly this ad is very important for two reasons. First of all, it's important for us to recognize the contributions of Ontarians, who have contributed in many ways. Whether they're firefighters who went down with the effort, whether they're

construction workers, whether they're ordinary Ontarians who donated blood, who certainly assisted in some way in the effort when this tragedy occurred, it was very important for us to thank them.

I appreciate the question from the Leader of the Opposition, but if I could quote: "The events of September 11 were devastating tragedies and the people of Ontario responded generously, lending heartfelt support to those suffering sorrow and pain.

"To everyone who reached out with condolences, who donated blood, who gave money or found other ways to help the victims and families of these terrorist acts—thank you.

"If ever there was a time when America needs a friend, it is now.

"You didn't hesitate. You responded immediately. So did your government."

1400

**Mr McGuinty:** This time you're not going to walk away with this. There are urgent and pressing priorities in the minds of all reasonable people today in Ontario, and this kind of investment, this kind of waste, does not fall within those priorities.

Let me tell you something about our families. They are sick and tired of the fact that there aren't enough textbooks in our schools, they're sick and tired of the fact that the air is making their kids sick, they're sick and tired of the fact that we don't have enough beds in our hospitals, they're sick and tired of the fact that this government is doing nothing in concrete terms when it comes to protecting their economic and personal security. So I ask you again, in light of all of that, Minister, how could you possibly decide that the best way to invest taxpayer dollars is in this political partisan propaganda?

**Hon Mr Tsubouchi:** Obviously the Leader of the Opposition has not been talking to the same Ontarians that many of us on this side have been. I know that people out there are concerned. People out there need information. Many ordinary people in our communities have certainly asked, "What is the Ontario government doing to make sure that we in Ontario have proper measures in place to assist us?" This is certainly something that people are talking to us about. Obviously, he either doesn't know that or he doesn't care.

Certainly, in this ad as well, which is very important for us to convey, there are a number of protective measures that we are taking for the province of Ontario. First of all, as you know, we have appointed Norman Inkster, retired commissioner of the RCMP, and also retired Major-General Lewis MacKenzie, as provincial security advisers. There are a number of measures that we have taken in Ontario to ensure the safety of people in this province. It's very important for us to convey that message to them. That's what Ontarians are asking for, and that—

**The Speaker (Hon Gary Carr):** I'm afraid the member's time is up. Final supplementary.

**Mr McGuinty:** Minister, I want to bring you from the abstract to the immediate. Last week a man walked on to



the grounds of one of Ontario's nuclear generating facilities. He was able to do that because there were no security measures in place. I would think that one of the places Ontario families would want you to start to invest is in security measures at our nuclear sites. People are afraid of losing their jobs. People are concerned about what has happened to the markets and their loss of retirement savings. They're concerned about what's happening at our border and the fact that there's a slowdown in terms of getting our goods across the border. Those are the kinds of things that our families are concerned about. So I ask you one more time on their behalf, because you have yet to justify this, how, in light of all of this and all of these pressing and urgent needs, could you have possibly decided that the best way to spend hundreds of thousands of precious taxpayer dollars today was on this kind of partisan political propaganda?

**Hon Mr Tsubouchi:** I appreciate the question. The Leader of the Opposition talks about the abstract, he talks about the real. I'll tell you what's considered real to me and probably all people on this side: Ontarians, real people out there, who are concerned, who want information. That's what's real to us. I don't know what you're talking about.

Secondly, since the Leader of the Opposition is holding up his copy of this ad, I must say in this ad we talk about many security measures. If I can outline a few, thank you for the opportunity.

"We are undertaking a thorough review of Ontario's emergency response plans.

"We will require all municipalities to maintain emergency response plans and train their employees.

"We will work with owners and operators of large buildings and public facilities to develop appropriate emergency response programs."

These are concrete, real examples of how this government is committed to public safety in this province, something that you certainly don't know anything about.

#### GOVERNMENT POLICY

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Acting Premier, and it concerns why this government is waging a campaign against our civil liberties. Your government appointed Norm Gardner to the Toronto Police Services Board as chair of the board. Now he says Toronto police are compiling a list of hundreds of people to target for surveillance. People are put on the list because—quoting Norm Gardner—"They may have said something that might lead the police to raise their eyebrows." Deputy Premier, is this your government's policy? Do you support Norm Gardner running a thought-police operation?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I'm not really sure why he's asking us this question. Isn't the chair elected with another body and accountable to another body?

*Interjection.*

**Hon Mr Hodgson:** The member from Etobicoke knows full well who the person that he refers to reports to and how they're elected, and he should know that as well.

I can tell you that our province takes our responsibility very seriously in protecting Ontario's citizens and also balancing that with our fundamental rights and freedoms that we enjoy in this province.

**Mr Hampton:** He is your appointment to the Toronto Police Services Board. What I want to know is this: does he represent government policy? Is it the policy of your government that someone would be put on a police surveillance list where they can be watched, pulled over, requested to attend and answer questions based upon—and I quote Mr Gardner again—"tips from informants, from suspicious or disgruntled neighbours or hearsay"? Is that government policy in Ontario today, that someone can be put on a police surveillance list based upon hearsay? If that's not your policy, then please disown it.

**Hon Mr Hodgson:** That's not what the leader of the third party said. He talked about us appointing the chair. As the member for Beaches-East York might be able to inform you, the chair is elected. The majority of the members on the police services board of Toronto are appointed by the municipality. I just reiterate that your member from Beaches-East York—you've got him newly installed in the caucus—might be able to inform you on how that institution works.

**Mr Hampton:** Acting Premier, he is your appointment to the Toronto Police Services Board. He is now the chair of the Toronto Police Services Board. He says that people will be placed upon a list for police surveillance based upon hearsay, based upon whether he believes people have "hate in their heart." We haven't seen this kind of trampling on people's civil liberties since the FLQ crisis based upon, apparently, no evidence.

My question is, is this your government's policy? Is it your government policy that people will be put on a police surveillance list based upon hearsay, based upon somebody simply calling up and saying, "I'm suspicious of this person"? Is that your government's policy, that people's civil liberties in Ontario today are worth so little?

**Hon Mr Hodgson:** The answer is no. I think the member knows that.

**The Speaker (Hon Gary Carr):** New question. Leader of the third party.

**Mr Hampton:** Also to the Acting Premier: then you should disown the comments of Mr Gardner and you should do it now.

#### ONTARIO ECONOMY

**Mr Howard Hampton (Kenora-Rainy River):** My next point is this: we know Ontario's economy is in trouble. Your Premier has admitted as much. About a year ago, we had a blizzard of announcements about SuperBuild, how SuperBuild was going to be out there and it was going to be making construction things hap-

pen. But since all of the hoopla, virtually nothing has happened. Meanwhile, we have community after community that needs to fix up their water treatment plant or needs a new water treatment plant or has a capital project that they need to get to work on, but your government isn't there.

Can you tell us, why are you sitting on SuperBuild money? Why in a time when the economy is in difficulty are you so far behind and so delayed in terms of bringing meaningful municipal capital projects forward?

1410

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** SuperBuild, as you know, is a way to coordinate capital spending and try to leverage it to the maximum benefit for the people of Ontario.

The Minister of Finance, along with the SuperBuild Corp, has been doing an excellent job on behalf of the province of Ontario. They've invested \$906 million in provincial highway programs, \$200 million in hospitals and \$48 million in post-secondary education facilities. It's also part of the Canada-Ontario infrastructure agreement and we have approved a number of projects that are waiting for Ottawa's approval as we speak. We hope that we will have these projects announced soon under the protocols that have been reached and that you will see construction on a lot of the projects right across Ontario to benefit the communities we all care about so deeply.

**Mr Hampton:** The Acting Premier recounted some announcements. We checked out some of these announcements. On June 15 you boasted that Sudbury would get \$15 million to improve their water treatment system. Well, we're now into October—and no money. The communities actually had to call and ask you not to enforce the clean water regulations because you don't come up with the money. You announced on August 16 a project for Niagara-on-the-Lake. We called them—no money. Red Lake, in my constituency: \$10.5 million for a water treatment plant because five communities are boiling their water—no money. Sioux Lookout: \$5.5 million for a water treatment plant so people don't have to boil their water—no money.

You've made all the announcements, but for some reason these communities aren't receiving the money to do the capital works. At a time when people are losing thousands of jobs in Ontario, tell us, please, when are you going to address the needs of these communities on these important issues and also ensure that much-needed construction projects can go ahead so that people can continue to have a job?

**Hon Mr Hodgson:** I think the leader of the third party would be well aware that this government is setting aside large amounts of money for infrastructure investments that are long overdue due to neglect that happened under your government and the shortfall in capital that was required to keep our infrastructure current, modern and safe.

As to the announcements you talk about, there was a series of announcements around the studies that are

required to make sure we get the proper numbers. In Sudbury you're talking about the millennium partnership; in the other small towns you're talking about OSTAR led by my colleague from rural affairs in conjunction with the Minister of Northern Development and Mines.

There are announcements. There are actual projects beginning in a serious way to start construction. You will see a lot more announcements and you will see a lot more construction because we believe in rebuilding this province. We have to make up for a lot of lost years and the neglect of Liberal and NDP administrations, which did not invest in the infrastructure of this province.

#### CHILDREN'S HEALTH SERVICES

**Mr Dalton McGuinty (Leader of the Opposition):** The question is to the Minister of Health. I put the question to the minister on behalf of parents of southwestern Ontario who are very concerned about the future availability of specialized health care for their children.

In recent days, Minister, you have told those parents that you can't find any more money for their specialized burn unit for children, that you can't find any more money for their cardiac centre specializing in children's care, but it turns out today that this minister and this government found the money to run a full-page ad in the London Free Press. The question I have for you on behalf of southwestern Ontario parents, and particularly those living in the community of London: why is it you can't find money to maintain an adequate level of health care services for southwestern Ontario children, but you can find the money for partisan, political propaganda?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me set the record straight for this House. I've said on the record already that the sum total of all the decisions made by an independent board of directors represented 1% of their activity. The two activities the honourable member mentions: pediatric burn unit had two cases per year on average over the last three years, and cardiac transplant pediatric was two cases per year on average. So, yes, those programs can be transferred to other facilities, because, do you know what? The clinical outcomes will be better. The patients will get better service, they'll get better treatment and that's better for the patients in Ontario.

That's the kind of thing the London Health Sciences Centre agreed upon. It's the kind of thing we support. It's the kind of thing that means we'll have better outcomes for the patients he seems to be so concerned about.

**The Speaker (Hon Gary Carr):** Supplementary.

**Mr Steve Peters (Elgin-Middlesex-London):** Minister, shipping patients and their families to other centres without assurance that there's space in those centres is totally irresponsible of you and your government. Citizens of southwestern Ontario don't want to hear your platitudes. They want to know why this government is turning its back on children and families in southwestern Ontario.



Do you know what the problem is, Minister? It's you and your ministry. Yesterday, I spoke to the chairman of the board of the London Health Sciences Centre, and do you know what he told me? He said your ministry approved and signed off the proposal before it went to the board. They were required to do this as part of the renewal plan. So don't stand there and say your government had nothing to do with it and blame it on the local board. You and your ministry are the ones who decided to abandon these children and these families.

Minister, the London Health Sciences Centre is, or at least was, a world-class medical and major academic centre, a centre of excellence. Could you please tell this Legislature when your ministry made the decision to approve the plan that would downgrade the London Health Sciences Centre to a community hospital?

**Hon Mr Clement:** Nothing could be further from the truth on a number of different accounts. I can tell this House that we certainly want the best clinical outcomes for our children when they need the services of a burn unit, when they need pediatric cardiac care. We want the best services in the best location for our children to get those kinds of services.

If the honourable member doesn't believe me, that's his right. I can merely read from the local paper, the London Free Press, which said that the plan is to boost core medical services locally, while passing off others that lack the critical mass of patients to those that can supply the service.

We want the best services for our kids, the best services and all the range of care that was hitherto available, in the best location. If the honourable member wants to play politics with that, that's his right, but we want the best results for the people of Ontario.

#### EDUCATION FUNDING

**Mr Frank Mazzilli (London-Fanshawe):** My question is to the Minister of Education. Yesterday you announced the government is committing \$5 million—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Stop the clock, please.

Thank you. I'll run it. You're House leader; you run yours. I'll be the Speaker. If you want to run for Speaker, run for Speaker next time.

Order. The member for London-Fanshawe.

**Mr Mazzilli:** I will pass on to my constituents the disrespect the opposition has for London and the questions coming from members who are from London.

Minister, yesterday you announced that the government committed \$5 million in funding to improve students' reading skills. In the first year, 16 schools—

*Interjections.*

**The Speaker:** Member, take a seat. Order. We'll start having to name people. He has a right to ask a question; he's asking a question. We need a little bit of quiet. Sorry, member for London-Fanshawe.

**Mr Mazzilli:** Minister, in the first year, 16 schools have been selected, including Franklin Roosevelt in London. Can you tell me how this program will benefit students?

*Interjections.*

**Hon Janet Ecker (Minister of Education, Government House Leader):** The initiative I announced yesterday—I know the opposition doesn't want to hear about something that's going to help improve student learning and improve how well our children are able to get those early literacy skills. This program is part of our plan to do that. It's part of an almost \$200-million initiative we have. We've put investments into smaller class sizes from kindergarten to grade 3 and more money for literacy specialists, training for teachers, more teachers for the early grades and more resources in the classroom for early literacy initiatives.

This is part of that investment, and this piece is dedicated to those schools that have been having the most challenge meeting the grade 3 testing standards over the last two or three years. In our consultations with the sector, they thought some intensive support for that family of schools would be helpful, so we are indeed doing that.

**Mr Mazzilli:** Minister, my understanding is that besides the 16 schools that were selected in the first year, there will be additional schools selected in the upcoming two years, yet it won't include every school in Ontario. Can you tell me how all of Ontario's students will benefit from the new selections?

**Hon Mrs Ecker:** First of all, all elementary schools are benefiting from these initiatives through the investments in smaller class sizes from kindergarten to grade 3, the investments in early literacy and also the investments for the early reading strategy. All schools are benefiting from that funding.

1420

We've asked all schools to set improvement goals for grade 3 reading over the next three years, to put in place improvement teams to do that. And for the small number of schools that have been struggling the most, we're putting intensive support in for those particular schools, to assist them in helping their teachers teach their children better, to meet the standard. The best practices and the experience we're gaining in those schools is going to be available for all of our elementary teachers across the province.

This responds to best practices in other jurisdictions, it responds to what the research shows will improve student learning, and that's why we've made these investments and are moving forward.

#### AUDIOLOGY SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. Minister, Jill Dean is a profoundly deaf child. She has had a measure of hearing and a certain capacity for speech restored to her through a cochlear implant. This wonderful development

has necessitated 29 visits to an audiologist over seven years. The cost to Jill's parents under your new plan for audiology services would have been \$1,740.

Minister, you should know that Jill's parents already manage significant costs to travel 800 kilometres to the implant centre and to pay for new speech and hearing devices. Now they have to pay for every reassessment of her hearing. Many families could not bear the burden of these new costs, not even for something as important as their children's hearing. I ask, will you reverse your decision and let audiologists work with children like Jill Dean at no cost to their families?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me assure this House that certainly those kinds of procedures are still listed under OHIP. They are still available under our health plan. They are available either via the hospital or via the medical specialist.

I don't know the particular circumstances of the individual the honourable member is mentioning, but we can certainly provide that information to her directly.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. The Minister of Health.

**Hon Mr Clement:** I believe I completed my remarks, Mr Speaker.

**Mrs McLeod:** Minister, put the facts on the table. You've set out to save \$50 million by removing some services from basic health coverage. That's a fact. The other fact is, you're expecting to save \$7 million by charging children and seniors for hearing tests. The other fact is that you would rather spend that money fighting the audiologists in court than using that money to protect children's and seniors' hearing.

Minister, I have dozens of letters from families and seniors who have exactly the same concerns as the parents of Jill Dean. I also have a letter that was written back in 1993 by the then assistant deputy minister of health, Margaret Mottershead, providing an assurance that if government went ahead and delisted audiology services so that you were no longer paying for them through the OHIP schedule, you would provide alternate funding. Your ministry had intended to do this; they knew how to do it. Why did you, Minister Clement, decide that you would not provide the funding for hearing assessments for children and seniors?

**Hon Mr Clement:** The facts of the matter are that this is a procedure that is still listed under OHIP. It is still available by medical specialists and audiologists working with medical specialists. It's still available in hospitals and other treatment centres. Those are the facts.

I find it quite passing strange, if I can use that term, that the honourable member lifts a piece of paper up dealing with something in 1993. If the honourable member wants to compare records on how we are committed to health care, to the right kind of health care, to the right kind of people, I will put our record against her record in government any day of the week.

You closed 10,000 hospital beds. You kept the hospitals open; you closed the beds. You call that a health care policy. I call that a shame and a blight on the people of Ontario. You should be ashamed of yourself.

## OAK RIDGES MORaine

**Mr Frank Klees (Oak Ridges):** My question is to the Minister of Municipal Affairs and Housing and it relates to the issue of the Oak Ridges moraine. For years now, successive governments of all political stripes have studied the issue of development on the Oak Ridges moraine. The previous Liberal government commissioned a study, to their credit, but ended up doing nothing by way of legislation. To the credit of the previous NDP government, they also commissioned a report but never did bring in legislation. Development applications have continued to be approved on the Oak Ridges moraine, without a comprehensive framework of provincial policy.

To your credit, Minister, and to the credit of this government, you introduced legislation to freeze development approvals on the moraine, a clear signal that at least this government would deal with this issue once and for all. That freeze is scheduled to be lifted on November 17. Can you tell us when can we expect to see the proposed legislation?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I'd like to thank the member for the question. As he mentioned, we appointed the advisory panel because this House unanimously approved legislation dealing with the Oak Ridges moraine for a six-month time out to try to see if we could reach a consensus on what should be protected and what should be developed, and to see if that could be achieved.

The member correctly referenced that people have been arguing about this issue for a generation now. The advisory panel worked very hard over the summer. They built upon the region's and the conservation authority's public forums, they held numerous public forums themselves, and they came out with a document entitled *Share Your Vision for the Oak Ridges Moraine*. They consulted on that with a number of open houses.

Right now, in answer to the question, we are analyzing that input to see if they have found a reasonable course to move forward at this time.

**Mr Klees:** With the lifting of the freeze a mere five weeks away, that doesn't leave a lot of time for members of this House, for members of the public and for stakeholders to provide input to whatever the proposed legislation is that you'll be bringing forward. Can you give us your assurance that this House will see that legislation in sufficient time so we can have reasonable input, so stakeholders can provide you with their views on implementation issues and so the public can have an opportunity to review that proposed legislation, so that it will in fact be meaningful and effective?

**Hon Mr Hodgson:** It is a good question, and I would like to report that over August and September extensive



consultations were held with stakeholders and the public on the future of the Oak Ridges moraine based on the advisory group's report. Approximately 2,100 people attended the public meetings. A total of 165 stakeholders attended four workshops held by the interministerial team, and it has been posted on the EBR Web site for 30 days. To date, we've received about 400 written comments from public stakeholders regarding the future of the moraine.

Prior to the public meetings, the advisory panel incorporated the consultations that were done by the three regions of York, Peel and Durham into the Share Your Vision paper. Certainly the member from Oak Ridges will agree that we have had comprehensive consultation. He referenced the fact that both governments had initiated studies. No action followed up from that, but there were studies that were done. There has been a lot of talk about this issue.

### TRANSIT SERVICES

**Mr Tony Martin (Sault Ste Marie):** My question is for the Acting Premier as well. The announcement of your flip-flop on public transit funding was welcome, but people with disabilities are very concerned because they're left out of the public transit equation. Right now, they can't access most public transit across Ontario. For example, only 20% of Toronto's bus routes are even partly accessible. The Ontario Human Rights Commission says that may violate the Human Rights Code. Will you require all new buses to be accessible to the disabled and provide funding accordingly?

1430

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I would like to thank the member of the third party for the question, because he's right. It was an historic announcement where the province is going to make a tremendous investment to improve our transportation systems in terms of both highways and transit. In the consultations in the Smart Growth sessions that were held across Ontario, we heard that we needed more of both.

The Minister of Transportation will be leading consultations and setting up a GO operating agency to make sure we deliver better transit. Our government has committed \$300 million in new funds. Municipalities are looking forward to matching that; they're paying 100% right now. We, as partners—the municipalities and the province—are calling on the federal government to live up to the commitment it promised in the red book to match that, three hundred million new dollars year over year for 10 years, to have a \$9-billion transit investment in this province. That's tremendous news for this province.

**Mr Martin:** Minister, I asked what you were going to do to make sure the system was accessible to the handicapped. Your government has repeatedly broken the promise to pass an Ontarians with Disabilities Act. Legislation is badly needed. The ability to move around

our cities freely is something most of us take for granted. But for people with disabilities, that's far from the reality. This transit announcement is a chance to put your money where your mouth is. Will you require accessible buses, or is your commitment to an Ontarians with Disabilities Act just so much hot air?

**Hon Mr Hodgson:** The Minister of Citizenship wants to answer this specific part of the question.

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** This government pledged to work co-operatively and consult not only with persons with disabilities in this province but also with AMO and all municipalities. Those discussions have been occurring rather intensively on the part of the Minister of Transportation and myself, as the Minister of Citizenship responsible for bringing in an Ontarians with Disabilities Act, an act we have committed to, which will be on the floor of this Legislature this session, something we've committed to do and will do, something your government failed to do on behalf of Ontario's 1.5 million disabled persons.

### PRINCIPALS

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. In the face of the changes to, and mismanagement by your government of, the education system, some 1,900 schools are going to lose their principals over the next five years. Surely the minister has known this. The minister has been aware that the lack of success of this government in schools is chasing away the leadership. The very people who would bring positive learning experiences to students are saying, in the study released by Queen's University, that they're leaving.

Minister, you have not been able to maintain the confidence of educators in this province. I would like you to tell the parents and the students of this province today that you have a plan, that you will make sure something is done to change abruptly the way your education reforms have gone so we don't lose the leadership of our schools in Ontario.

**Hon Janet Ecker (Minister of Education, Government House Leader):** What the honourable member obviously has missed is that in education, as in health, in business and in many other sectors, we're facing a significant demographic challenge. As the population ages, we have more people retiring than we have coming in in a whole range of areas. Unfortunately, education is no more immune to that than every other sector.

We've done a lot of work with the principals' council and the other two principals' associations, because we quite recognize the importance of principals. They're very key individuals in our schools, key leaders, key managers of our schools, key communicators with our parents. We've been working with the principals' associations through more money for training, more money for supports. For example, we had a specific initiative where

we invested money to hire more principals for schools, especially small schools.

So we take the challenge quite seriously. We've been working with them very closely to make sure we have that leadership in our schools.

**Mr Kennedy:** The answer from the minister is no answer at all. Half of the principals are going to be lost in the next number of years. It's a massive vote of non-confidence in what you're doing. What the study found is that they're leaving at the exact second they're eligible. They won't wait five minutes, because they have no confidence in what you're doing. The minister obviously doesn't wish to be the Minister of Education, doesn't want to work on behalf of students, but maybe she can be brought to listen.

Sandy MacLean is a principal who retired last year from Mowat collegiate. She's the chair of the east regional secondary principals. She says to you, Minister, that she would not have retired if it wasn't for the Harris government.

This is what principals in schools say today, those who have left: until your approach took away support, resources in the schools, gave bigger class sizes, took away a lot of the things that they had to have success, principals were working.

Minister, this is a study. It reaches over 1,000 principals. It represents the actual situation in this province. I give you another opportunity, Minister, to tell us today: what will you be doing?

**The Speaker (Hon Gary Carr):** I'm afraid the member's time is up. Sorry. The Minister of Education?

**Hon Mrs Ecker:** It's unfortunate that the honourable member wasn't listening to what I said earlier in terms of the work we're doing with the principals' associations, because we quite recognize the importance of qualified teachers in our classrooms, of qualified principals in our classrooms. That's why we've put additional monies in to support principals, additional training. That's why we've expanded the number of spots in teachers' colleges so that we can start having more people coming in as teachers.

But one of the concerns: I know in Durham region, for example, the school board actually was working with teachers to try to have training positions for more principals, teachers who were interested in moving up the career path, and the biggest barrier to that happening was the local union that said they would blackball any teacher who did that.

So if the honourable member is concerned about this, and I'm assuming he certainly is—it's an important issue and we need to meet this challenge in our classrooms—it might have been helpful if he had taken a stand when that union blackballed those teachers who wanted to be principals—

**The Speaker:** The minister's time is up. New question?

## ONTARIO INSTITUTE OF TECHNOLOGY

**Mr Jerry J. Ouellette (Oshawa):** My question is for the Minister of Training, Colleges and Universities. It was a proud day for the entire region of Durham Thursday last as we celebrated the new opening of the Ontario Institute of Technology, a new concept for a university that is to be built on the Durham College site.

It was clear during the ceremonies that the OIT is not only the first new university created in Ontario in more than 40 years, but it is also very unique.

As a former board member for Durham College and a graduate of Durham College, I certainly have an idea of what OIT is going to do for the region of Durham. But, Minister, can you tell my constituents and the members of the assembly what will make the Ontario Institute of Technology such a unique institution?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** I'm pleased to respond to the question from my colleague from Durham. Obviously this innovative and new Ontario Institute of Technology, with an extremely unique mandate to meet the needs of the job market and our economic growth here in this province, will offer a mix of courses, both university and college courses, to ensure that our graduates have the right skills and the knowledge of course to succeed.

The OIT will link the education and the skills training with the demands of the marketplace, and they'll ensure a responsive, timely, up-to-date program. With this seamless transition from college to university right on the campus of Durham College, they will be focusing on the needs of the job market.

It's a very exciting time in the history of our province, and I was proud to be there along with my colleague.

**Mr Ouellette:** It was indeed a pleasure to join the minister as well as the Minister of Finance, Mr Flaherty, and Mr O'Toole, the member for Durham, whose riding it's actually in, at Durham College last week at the ceremonies. We look forward to seeing them all there in 2003 when the students are expected to arrive.

The institution will serve the needs of the citizens of the region of Durham very well. When you look at the innovative programs that are there that this new university will offer, I'm certain that students from all across Ontario will want to come to study in the region of Durham.

Minister, can you explain what role you see OIT playing in Ontario's broader educational university system?

**Hon Mrs Cunningham:** I think one of the priorities of our government, and governments across this country, is to address the skills shortages and to ensure that we've got the skilled workforce necessary to attract both the investment and jobs. Durham is one of the fastest-growing regions in our country, both in terms of population and the economy.

When I attended the Council of Ministers of Education for Canada last week, ministers across the country were



working to ensure that they've got these innovative new kinds of programs. One of the objectives was a closer working relationship between our colleges, our universities and our apprenticeship training programs.

At Durham, they have been discussing the possibilities of applied degrees in health sciences, nuclear technology and safety, and information technology. They're looking at the shortage and, of course, they're looking at unique programs.

We're very proud that we will have an institution that is, and will be, an even greater national leader along with other colleges' and universities' apprenticeship programs and community-based programs in the province of Ontario.

1440

### COMMUNITY CARE ACCESS CENTRES

**Mr John Gerretsen (Kingston and the Islands):** My question is to the Minister of Health and Long-Term Care. Minister, you know that personal safety and security is a concern of all Ontarians and so it is with our seniors, our frail and elderly, and those people who are sick and released from hospitals sicker and quicker than ever before. They need the security that upon being discharged from hospital the community care is there for them, which you promised them when you closed hospitals and shut down beds a number of years ago.

Across the province, \$175 million is needed so that our sick and elderly, our frail and elderly, can get the necessary nursing and home care services that we deserve to give them, which will make them secure and safe in their own house. When are you going to ante up the money—Kitchener-Waterloo is short \$12.7 million, York region is short \$12 million and Windsor-Essex is short \$2.8 million; I could go on and on—so that the people in those areas can get the necessary services that you promised them and that you're denying them right now? When are you going to ante up the money?

**Hon Tony Clement (Minister of Health and Long-Term Care):** To the associate Minister of Health.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Let me say that this government is committed to the highest quality of health care for the people of Ontario. To show you what this government has done, let me remind you that we have invested an increase of 72% in CCAC funding since 1994-95. That's a substantial average increase across the province, and we've continued to work with CCACs to ensure that they provide the best-quality care.

I also need to remind you that many of the CCACs that you talked about today have a far larger dollars-per-population base than other areas across the province, and we need to look at that to make sure that there's equity all across the province so everyone in the province gets the care that they need and deserve when it comes to community services.

**Mr Gerretsen:** Minister, you are giving up on our seniors, our elderly and our sick that are released from

hospitals. You've got \$175 million available for a corporate tax cut right now. It didn't take more than one day to decide to accelerate that corporate tax cut of \$175 million. Why didn't you put that money for the hundreds and thousands of people out there that need that help on a day-to-day basis? You've given up on the seniors, and we on this side of the House demand that you immediately restore the funding of \$175 million so that those people who are released from hospitals sicker and quicker can be helped today, not tomorrow but today. When are you going to live up to your promise?

**Hon Mrs Johns:** The member opposite knows as well as I do that there has been no money taken from CCACs across the province. When you compare the base budget last year to the budget of this year, there's an increase across the province.

Let me also tell you that his area of Kingston, for example, has 34% more dollars that they're using to fund CCACs than other areas in the province, and still they can't provide the services. I think we have to ask questions about what some CCACs are doing with their money and what they're not. That's why this government has put a review together. We believe that it's very important to ensure that quality services are being provided in every area. That's why we went into Hamilton, for example, and did an operational review, because we knew that services weren't being given to the people of Ontario. We're continuing to do that because we believe that quality services and community—

**The Speaker (Hon Gary Carr):** I'm afraid the member's time is up.

### MENTAL ILLNESS AWARENESS WEEK

**Mr Doug Galt (Northumberland):** My question is also directed to the associate Minister of Health and Long-Term Care. Minister, as you are aware, this week is Mental Illness Awareness Week. I cannot emphasize enough the importance of recognizing the significance of this designated week and what it stands for. For many years, mental illness was a disease that, quite frankly, people were afraid to discuss. For many reasons, some quite irrational, people did not feel comfortable or have the ability to speak about it freely. Many Ontarians who suffered from mental illness had limited information on how to get help.

Minister, you mentioned yesterday in your statement that it's essential that the stigma of mental illness end. It is important to create an environment where it is acceptable to discuss and to seek information, treatment and support for mental illness. It is equally important to have these services and treatments available at every stage of life and as close to home as possible.

Can you please indicate what our government has been doing to create successful mental health reform?

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I'd like to thank the member from Northumberland for his question. This is a really important question because each of us knows that

one out of four Ontarians is struck with some form of mental illness. So it's very important for us during this Mental Illness Awareness Week to talk about mental illness, to talk about how we can move to mental health and to help others battle this disease. I called upon all the members of the House to do what they could in their constituency over this week.

Since 1995, this government has been putting additional dollars into mental health services, and we have put in \$377 million. What that means is that of the total funding that happens in the province now, we spend about \$2.7 billion in mental health. We ensure that we have institutions or the general community facilities to ensure that people can move out into the community. We have homes for special care, mental health homeless initiatives, and we have a lot of programs to ensure that we try to strengthen our mental health in the province of Ontario.

**Mr Galt:** Thank you for the response. As we're seeing a shift from institutional care to community care, it is indeed necessary that task forces be there to represent and interconnect the various sectors and health care providers. I have great confidence that the mental health implementation task force in my region of central east will bring about the changes needed to ensure that people with serious mental illness have access to a wide range of client-centred services and supports close to home.

Minister, could you please tell us about these nine mental health task forces that have been established to help the Ontario government improve mental health services delivery across the province, including the status of the mental health reform implementation task force, its time limits and how much our government is investing in them?

#### *Interjections.*

**Hon Mrs Johns:** I'd like to thank the member for the question. I'd like to say that there's a commitment, I'm sure on all sides, to mental health, even though there is a large rumble in the Legislature today. Let me remind people that the Premier went to talk to the task force representatives from each of the different regions to talk about his commitment to mental health and mental reform. He did quite a good job. He reinforced at that time the need for these task forces to take into account local considerations, to tell us what they needed in their own communities so we could strengthen the network all across the province of Ontario.

I've had the opportunity to meet many of the task forces, and I have to tell you that as impressive as yours is, Dr Galt, so are all the task forces across the province. We have brought together some of the best people who have education and knowledge about mental health, and they have come together to ensure that when the task forces do their reports, which will happen about 18 months after they begin their initial consultation, they will truly be making a difference to the people of the province.

### COLLÈGE DES GRANDS LACS

**M. Gilles Bisson (Timmins-Baie James):** Ma question s'adresse à la ministre de la Formation et des Collèges et Universités. Ma question porte sur la fermeture du Collège des Grands Lacs de Toronto, qui est le seul établissement postsecondaire pour les étudiants francophones du centre et du centre-sud-ouest de l'Ontario.

Lundi dernier, la direction du collège a annoncé officiellement la fin des opérations du Collège des Grands Lacs. Concrètement, cela veut dire que les étudiants de la première année, qui sont la majorité, devront continuer leurs études au Collège Boréal à Sudbury. La plupart d'entre eux ont déjà fait savoir qu'ils ne sont pas intéressés à aller à Sudbury, et ce matin la direction a eu ce message très fort.

Madame la ministre, je demande la question suivante : pouvez-vous nous donner l'assurance que les étudiants pourront compléter leur année cette année-ci à un établissement à Toronto ?

1450

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** The students' needs are at the top of the agenda for the members of this Legislative Assembly. There are discussions going on. I wasn't aware of what you've just told me, but I am aware that we are trying to meet the needs of the students, and we will meet the needs of the students.

As I said to the member yesterday, we do know that we have initiated discussions with Collège Boréal. If there are plans where the students can finish their education right here in Toronto, which was my understanding, then of course I think what he's saying is that everyone will be happy. But if there are other arrangements that have to be made, they will be made with the students, working with the officials, to make sure they get what they need; in fact, to have the best education as francophones in the province of Ontario.

**M. Bisson :** Madame la ministre, ce qui est important, je pense, entre les deux, c'est d'être d'accord sur les besoins des étudiants. Et le besoin des étudiants, c'est non seulement l'éducation en français mais de s'assurer qu'ils font cette éducation ici à Toronto.

Justement, comme vous le savez, le Collège des Grands Lacs a un nombre d'étudiants qui sont venus de l'Europe. Ils ont payé 12 000 \$ pour venir faire leurs études ici à Toronto. Nous, la province de l'Ontario, on les a attirés à venir ici. Pour nous autres de dire tout à coup, après tout ces arrangements que les étudiants ont faits, « Allez-vous-en à Sudbury, » c'est suffisant, je pense. C'est quelque chose qui n'est pas acceptable pour nous dans la province de l'Ontario. Mais, plus important, ça envoie le méchant message aux étudiants en Europe.

Je vous demande de prendre les étapes suivantes : premièrement, on a besoin d'assurer que les étudiants continuent leur éducation ici à Toronto. Si ce n'est pas fait sous le Collège des Grands Lacs, on demande au



moins que le Collège Boréal opère un satellite ici à Toronto pour s'assurer que ces élèves ont l'opportunité de finir leur éducation ici à Toronto, soit sous la titulaire du Collège des Grands Lacs, ou sous le Collège Boréal.

**Hon Mrs Cunningham:** It's my understanding that it is Collège Boréal that is working with the administration of Grands Lacs, and I'm definitely listening to the member. I think others will be reading what his question is. The focus is going to be on what the students need, and I'm sure that we can meet the requirements of both the students and Collège Boréal as they work along with Collège des Grands Lacs. We're all interested in the same bottom line.

## PETITIONS

### EDUCATION TAX CREDIT

**Mr Richard Patten (Ottawa Centre):** I appreciate the opportunity to present this petition to the Ontario Legislature.

"Whereas the Harris government is planning to take funds that our public schools desperately need and funnel them to private schools through tax credits; and

"Whereas the government's plan is to give parents a \$3,500 enticement to pull their kids out of public schools; and

"Whereas the initiative, in effect, is a voucher system and is the beginning of the end of quality public education in Ontario,

"Therefore we, the undersigned, call on all members of the Legislature to fight and defeat this attack on the choice parents most want: stability, co-operation and respect in clean, safe public schools."

I put my signature to this as well.

### OHIP SERVICES

**Mr David Christopherson (Hamilton West):** I have further petitions from Gwen Lee out of Hamilton. The petition reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise, and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I support my constituents and add my name to their petition.

### POST-SECONDARY EDUCATION

**Mr John Hastings (Etobicoke North):** This is a petition to the Legislative Assembly of Ontario, which reads:

"Whereas post-secondary education is very important in the development of young adults, to the betterment of society and the economic future of our province; and

"Whereas the continuing challenge and cost of education facing families in Ontario in the 21st century is ever increasing; and

"Whereas the cost of post-secondary education in Ontario requires a combination of government and individual financial support; and

"Whereas the tax credit proposed in Bill 4, Saving for our Children's Future, 2001, will effectively and beneficially encourage families to save for their children's education; and

"Whereas the large majority of children and families with a registered education savings plan do not apply for OSAP, thereby freeing millions of dollars for other OSAP students;

"Therefore, we, the undersigned, hereby respectfully petition the Legislature of Ontario to act quickly to pass Bill 4, Saving for our Children's Future, 2001, and thereby extend the opportunity of post-secondary education to thousands of children."

I affix my signature to this petition from many Ontario citizens.

### HEALTH CARE FUNDING

**Mr James J. Bradley (St Catharines):** This petition is to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas many residents of St Catharines and of other communities in Ontario are unable to find a family doctor as a result of the growing doctor shortage we have experienced during the tenure of the Harris government;

"Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to the United States to receive medical attention;

"Whereas many prescription drugs which would help patients with a variety of medical conditions such as macular degeneration, multiple sclerosis, arthritis, diabetes and heart failure are not covered by OHIP;

"Whereas many assistive devices that could aid patients in Ontario are not eligible for funding from the Ontario Ministry of Health;

"Whereas community care access centres have inadequate funding to carry out their responsibilities for long-term and home care;

"Whereas the Harris government has now spent over \$240 million on blatantly partisan government advertising in the form of glossy brochures and television and radio ads" and full-page ads in newspapers,

"We, the undersigned, call upon the Conservative government of Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising and to invest this money into health care in the province of Ontario."

I affix my signature because I'm in complete agreement with this petition.

#### OHIP SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, transcutaneous nerve therapy stimulation and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I agree with the petitioners and I have signed my name to these petitions.

1500

#### GENETICALLY MODIFIED FOODS

**Mr Garfield Dunlop (Simcoe North):** "To the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario ban the use of genetically modified foods for consumer use until it is safely and clinically tested by the Ministry of Health and the Ministry of Agriculture with no adverse side effects for human consumption. It should then and only then be passed by the Parliament of Ontario.

"As there are products coming into Ontario at this time from Europe, the USA, as well as Canada, ie, potatoes, tomatoes, soy products and by-products such as the oils from these products, we also petition that these products be labelled to tell the people of Ontario that they contain GMO (genetically modified organisms)."

I'll sign this as well.

#### AUDIOLOGY SERVICES

**Mr Rick Bartolucci (Sudbury):** This petition is to the Legislative Assembly of Ontario and it's entitled Listen: Our Hearing is Important.

"Whereas services delisted by the Harris government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario; and

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

Of course, I affix my signature to this petition.

#### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** I continue to receive petitions from individuals on the Hamilton second-level lodging home tenants' committee. Their petition to the Legislative Assembly reads as follows:

"Whereas individuals who are tenants or residents in facilities such as care homes, nursing homes or domiciliary hostels under certain acts are provided with a per-



sonal needs allowance to meet incidental costs other than those provided by the facility; and

"Whereas the personal needs allowance has been fixed by the Ontario government at a rate of \$112 for nearly a decade and has not kept pace with cost-of-living increases, and furthermore is inadequate to meet incidental costs such as clothing, hygiene products and other essentials;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately review and amend provincial legislation to increase the personal needs allowance from \$112 a month to \$160 a month for individuals living in care homes, nursing homes or other domiciliary hostels."

I add my name to those of these petitioners.

#### LORD'S PRAYER

**Mr Joseph Spina (Brampton Centre):** "To the Legislative Assembly of Ontario:

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is the most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I'll affix my signature to that.

#### HOME CARE

**Mr Michael A. Brown (Algoma-Manitoulin):** I have more petitions relating to home care and community care access centres.

"To the Legislative Assembly of Ontario:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond the control of community care access centres; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability

Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year."

This particular group of petitions is signed by people in the Manitowaning area.

#### OHIP SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition that's been sent to me by Goldie Leibman, who is the coordinator of the Association of Jewish Seniors. It reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic areas of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, nerve therapy stimulation and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I agree with the petitioners, and I have signed my name to their petition.

## COMMUNITY CARE ACCESS CENTRES

**Mrs Sandra Papatello (Windsor West):** "To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of up to \$175 million due to a funding rollback by the provincial government; and

"Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services, so as to ensure that community care access centres can provide the services that Ontario's working families need."

I affix my name to this petition, along with others from my own constituency of Windsor West.

## MOTIONS

## ORDER OF BUSINESS

**Hon Janet Ecker (Minister of Education, Government House Leader):** Mr Speaker, I'd like to ask for unanimous consent to move a motion regarding the terms of this evening's debate.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mrs Ecker:** I move that G101 be called as the first order of the day this evening; that the remainder of the sessional day shall be spent debating the bill, at which time the Speaker shall put the question; that the vote may be deferred; that at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy; that the standing committee on justice and social policy shall be authorized to meet in Toronto for up to three days; that the standing committee on justice and social policy shall report back to the House no later than November 8, 2001.

**Mr Gilles Bisson (Timmins-James Bay):** Mr Speaker, on a point of order: I'm OK with what's been read up to now, but just to understand that both the Liberals and the New Democrats will stand down their leads in the debate this afternoon and that the vote is collapsed tonight if there are no other debaters.

**The Speaker:** It's a different bill, but there may be some clarification from the government House leader.

**Hon Mrs Ecker:** It's my understanding that the Attorney General will be calling that order and that there will be consent for the two opposition critics to stand down their lead-off time.

**The Speaker:** Mrs Ecker has moved that G101 be called as the first order of the day this evening; that the remainder of the sessional day be spent debating the bill, at which time the Speaker shall put the question; that the vote may be deferred; that at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy; that the standing committee on justice and social policy shall be authorized to meet in Toronto for up to three days; that the standing committee on justice and social policy shall report back to the House no later than November 8, 2001.

Is it the pleasure of the House that the motion carry? Carried.

1510

## ORDERS OF THE DAY

PROHIBITING PROFITING  
FROM RECOUNTING CRIMES ACT, 2001LOI DE 2001 INTERDISANT  
LES GAINS TIRÉS  
DU RÉCIT D'ACTES CRIMINELS

Mr Young moved second reading of the following bill:

Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime / Projet de loi 69, Loi visant à protéger les victimes en interdisant les gains tirés du récit d'actes criminels.

**Hon David Young (Attorney General, minister responsible for native affairs):** I will, with your permission of course, Mr Speaker, be sharing my time this afternoon with the member for Dufferin-Peel-Wellington-Grey and the member for Peterborough.

I proceed with second reading of this very important bill this day and, as I indicated, we will be sharing our time. This bill, the Prohibiting Profiting from Recounting Crimes Act, 2001, is yet another bill that this government has brought forward, a bill to protect victims and to keep victims and their families safe and to keep communities across this province safe. We have a number of beliefs that have led us to bring forward this proposed legislation.

We believe that victims of crime deserve not only justice but a strong voice in the justice system as well. You can't have one without the other.

We believe the government should provide the programs and services that victims of crime need. And we believe that it is essential that laws be in place to prohibit criminals from benefiting financially from the pain they have caused their victims. The victims and their families have a right to know that they will not be revictimized in this way.

Since coming to power, this government has taken a leadership role in protecting victims' rights and in improving the treatment of victims of crime in the justice system. We have also begun steps to take the profit out of



crime, to help people who have been victimized by organized crime and other unlawful activities. As you're well aware, there is a bill currently in front of this Legislature that, if passed, will do just that.

But there is more to be done. That is why we have taken a further step to assist victims of crime and fulfill a Blueprint policy, a Blueprint promise, a commitment that we made to the voters of this province leading up to the June 1999 election, a promise, a commitment to strengthen victims' rights across this province by introducing the Prohibiting Profiting from Recounting Crimes Act.

I talk in terms of the Blueprint. I think most here and most across the province will understand that the Blueprint was a policy document that this party, Mike Harris's Conservative Party, came forward with prior to the election that set out for the voters in very clear and unequivocal terms what it was that we would do if we had the privilege of governing for yet another term.

The Blueprint document said that for justice, and I quote, "Convicted criminals should be prohibited from financially benefiting from their crimes, including the sale of book or movie rights." That's the promise we made to the people of this province in June 1999.

We come forward at this juncture with this bill, Bill 69, which would indeed take the profit out of crime. Let me explain, if I may, for a moment how that would occur.

If this bill is passed, it would allow for the seizure and forfeiture of money criminals receive from recounting their crimes in books, interviews, movies and any other source of media that one can imagine. It would establish a fund from the forfeited proceeds that would be available to the victims of crimes. So the money would be taken from those convicted of serious offences, and I'll explain that later, and it would be given to the victims.

Ontario would be the only jurisdiction in this entire country to have this sort of protection in place. I'm very proud of the fact that we are the first government to come forward with this type of protective measure. But this protection does exist in other jurisdictions. Legislation to take away proceeds from criminals who gain money from recounting their stories is in effect in almost every state in the United States of America; almost every state has this legislation.

If I can give you a few examples as to how they have brought forward legislation south of the border, I would be pleased to do so. For instance, in New York, anyone who contracts with a person charged or convicted of a felony must give a Crime Victims Board notice of any payment or an obligation to pay what is defined as "profits" from crime. Upon receipt of that notice—notice of that contract—the board then goes and contacts all known victims of that particular crime, who may then decide whether or not to institute a civil proceeding. The board may obtain interim preservation or freeze orders to protect the funds in question, to protect the profits.

California's legislation creates a trust from which proceeds of crime can be taken by appropriate beneficiaries, by the victims and/or their families. The legislation specifically defines beneficiaries as those who have suffered physical, mental or emotional injury or pecuniary loss as a result of the felon. That trust in California exists for five years, and the beneficiary must commence an action within that five-year period in order to claim an interest in the trust funds. If a beneficiary is successful in a court action, the court shall order payment from the trust funds.

Similar to the board's power in New York, in California the Attorney General may bring an action to freeze the proceeds upon showing that the proceeds are subject to the act and that the beneficiaries do indeed exist.

I should point out that the United States is not the only jurisdiction that has this sort of legislation in place. Similar legislation also exists in Australia.

In Australia—in Queensland, Victoria, South Australia and Tasmania—legislators have come forward and have brought into law provisions that allow the respective states to apply for and obtain a forfeiture order for benefits or their equal value, acquired by a criminal defendant in a contract dealing with the recollection or retelling or recounting of a serious crime.

Profiting from these types of crimes is wrong. I suspect every member of this Legislature would accept that in principle, but what is also important to remember is the victims' groups. Victims' advocate groups have come out very strongly to confirm just how wrong it is, and how important it is that we come forward in this Legislature with some laws.

Victims' groups, including the Victims of Violence group, have said to us that they do not want to see their members, and future members, revictimized. If they were here, they could tell you that victims need protection from the efforts of criminals who are attempting to capitalize on their crimes. Victims of crime and those affected by the crime, such as spouses, children and other family members, should not have to relive the pain they have suffered at the hands of the criminals. Nothing could be more wrong. They need, and they deserve, to be protected.

This bill would further help to protect those very victims, if it is passed. Under this bill, a publisher or any party to a contract with a criminal convicted of a serious violent crime to which this bill applies would be required to report their contracts or be fined up to \$50,000.

Applicable contracts entered into before or after a conviction could include the use of documents that may be related to the crime, an interview with the convict or an appearance of the convict to recount his or her criminal activity. Any payments made to the criminal under these contracts could be subject to forfeiture for the benefit of the victims.

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The act, if passed, would allow for the establishment of a fund with the forfeited proceeds, which would be available to victims of crime. It's hard to imagine how

anyone could oppose this initiative. It's certainly hard for me to imagine how anyone could oppose this initiative, but there are some critics of the bill out there who say it's not needed, that it's superfluous. They say we already have legislation similar to the bill in front of us, and they refer to the Victims' Right to Proceeds of Crime Act. I'd like to take a moment, if I may with your permission, to talk a little bit about that bill, which was introduced as a private member's bill by my colleague and friend Cam Jackson.

The now-minister brought forward a bill and indeed started down a path. I applaud him for that. The bill was proclaimed in May 1995 and serves to compensate victims of crime from monies acquired by an accused or a convicted person who recounts a crime. We've learned a lot from that current act. We also know there's a lot more that can be done. We know that a great deal more can be done to take the profit out of crime and we know that a great deal more can be done in order to help victims. We sincerely believe that this proposed legislation we come forward with this day will do a great deal more to help victims in a number of different ways. I, again with your permission, will attempt to enumerate the advantages, improvements that would exist should the current bill in front of the Legislature be carried.

In order to properly understand the working of this bill, I think it's important to look at how the proposed legislation defines the term "crime." The Victims' Right to Proceeds of Crime Act does not define crimes to which it applies, so we start with that understanding. However, Bill 69, the bill that I have brought forward for second reading today, defines a designated crime. It does so by saying that a designated crime is a serious, violent crime, an indictable offence where the penalty is five years' imprisonment or more and also specifically includes the crime of sexual assault. Within the definition, it also speaks of serious property offences prescribed by regulation. So that's the definition that would exist should this bill become law.

It's also important to understand the mechanism, the workings of the system, that we have proposed to the Legislative Assembly, because if the bill we brought forward becomes law, victims would no longer be required to obtain a civil judgment. They wouldn't be forced to go to court, to hire a lawyer, to proceed through a trial that they'd have to fund before they could collect monies. They would not be required to retain and pay for counsel and to go through that excruciating experience of being part of a court process of that nature. Instead, victims would only have to apply for access to the forfeited funds. Under the existing legislation, the victims have to get a civil judgment in court in order to have access to funds. Under the new bill, under our proposal, funds would be deposited into a special account to be made available to victims, including those persons who have sued under part V of the Family Law Act. These, as I'm sure you know, are dependants of the victims, whether the victim was injured or killed.

Here's an important point that I ask you and all the other members of this assembly to consider seriously, Mr Speaker: any excess money, any surplus money, that is seized or forfeited would not be returned to the criminal under this scheme. However, under the current law, the one we hope to supplement or replace, under the Victims' Right to Proceeds of Crime Act, funds are simply held in trust, and if any funds remain after a civil judgment is obtained and satisfied, the balance may be returned to the criminal. I want to emphasize that under the proposed bill, the one we're here arguing in favour of today, the one the Mike Harris government has tabled with this Legislative Assembly, funds would be forfeited to the government and would be placed in a special purpose account, at which point the convicted person would lose any and all rights to any remaining funds that may exist in that account, to any of the funds that were seized. Remaining funds, if there were any, would be used to support victims initiatives.

Before I conclude my comparison of the existing law and the proposed bill, let me also say this: the existing act provides for an offence for failure to report a contract for the recollection of crimes and failure to pay proceeds to the government, but it does not provide for a clear enforcement mechanism for collecting the funds. Under this new bill, all parties to a contract that deals with the recounting of a designated crime, all parties to a contract for recounting crime that involves payment to a convicted person, would be obliged to report the existence of the contract to the government. There would be that obligation. If a party failed to do so, if they didn't report in the manner prescribed, they would be liable to a fine of up to \$50,000. So they would have a duty to report now. In order to make this workable, in order to give it teeth, this duty could also be imposed personally on the directors and officers of a publishing or media company, to ensure compliance with the act. No one could hide behind a corporate veil in this instance. As well, the bill we have brought forward provides a clear court process to apply for the preservation and forfeiture of funds.

If the Prohibiting Profiting from Recounting Crimes Act is passed, the Victims' Right to Proceeds of Crime Act would be repealed.

Since the enactment of the existing legislation, the Uniform Law Conference of Canada, a body which drafts model legislation for Canadian jurisdictions, has released model legislation designed to respond to this very problem, designed to respond to the criminal exploitation of violent crimes. The Uniform Law Conference of Canada set out two possible models in their option paper and, in February 1998, recommended a final model. I'm proud to say that their recommended model is very similar to the legislation we have proposed in this Legislative Assembly. Again, that new legislation we've come forward with, if passed, would do considerably more, in our respectful opinion, to take the profit out of crime and to further protect victims.



As I said earlier, the bill we've come forward with, the proposal we've come forward with, does not require a civil judgment to obtain money from the trust. What would happen is that the government would assume the responsibility to go to court on behalf of the victims to seize and in some instances to forfeit the funds in question. This would help to relieve both the emotional and the financial burden of victims. It would serve to broaden the definition of "proceeds of crime" to include contracts entered into prior to a conviction. The act says:

"proceeds of a contract for recounting crime" means,

"(a) money or other consideration paid under a contract for recounting crime to a person convicted of or charged with a designated crime or the agent of a person convicted of or charged with a designated crime, whether the money or other consideration is paid before or after this act came into force, or

"(b) property acquired, directly or indirectly, in whole or in part, from money or other consideration referred to in clause (a), whether the property was acquired before or after this act came into force."

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Some critics have said that they do not believe this bill is needed. They point to the fact that under the current legislation only \$1.07 has been paid into the trust since 1995 and, they say, obviously there are very few criminals in Ontario who have written about their crimes. I say this bill is a preventive measure. I say that we would be remiss if we didn't come forward with this sort of initiative, if we waited until that sort of unseemly profit occurred, if we waited for victims to be revictimized. Because this proposed legislation, this new bill, is so stringent, because it has a stringent reporting requirement, if the bill is passed, we expect that there would be more information about the frequency of these types of contracts in the future.

Some lawyers and civil libertarians have come forward to oppose the bill as an infringement on civil rights. I say to them this is simply not true. I say to them that this bill is intended and designed and crafted carefully to prevent victimization, to prevent victims from being revictimized. It is intended to help victims of crime. Clearly, it is intended to help victims of crime, and this bill also provides for due process. There should be no doubt about that.

The government must apply to court to forfeit funds. It's not an arbitrary, unilateral regulatory process. They have to apply to a court of law, they have to appear in front of a judge, and the convicted person will have notice and have a full and fair opportunity to make submissions as part of the determination of this issue. It's all set out in the act and all steps in a proceeding must be approved by the courts.

Other critics have demanded examples of how this legislation would work. I say to you that I operate, as should most members of this Legislative Assembly, with some restriction and I cannot and I will not mention specific cases, for a number of reasons, one of which is that it would only add to the notoriety of the persons in

question, notoriety of persons convicted of crimes at the expense of victims.

To those who look for specific examples, I would again say to them that one of the main goals, one of the main objectives of this bill is to prevent criminals from profiting from crimes. It is preventive in nature. We believe that if this act is passed it would help prevent these types of contracts in this province. This bill is intended to apply to those who commit serious property offences or violent crimes such as sexual assault, armed robbery and murder.

Once again, I say that criminals should not be able to benefit financially from the pain that they have caused to victims, from the pain that they have caused to families. That should not be allowed. This bill would help victims and prevent criminals from profiting from those sorts of activities, from profiting from that type of crime. I urge members of this Legislative Assembly to support this bill.

**The Acting Speaker (Mr Bert Johnson):** Further debate?

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):**

I'd like to add to the comments from the member for Willowdale, who is the Attorney General, Mr Young, and his remarks with respect to Bill 69, a bill prohibiting profiting from recounting. I think he has adequately explained to the House what the bill is trying to do. What the bill is trying to do is to prevent criminals from profiting from crime. A key objective is to give victims of crime access to the profits of criminals who recount their crimes and talk about their crimes in movies, in books, in interviews. We don't want that to happen. We therefore feel that this is a most important and necessary piece of legislation with respect to assisting victims in the province of Ontario.

We believe that if this bill is passed it would take the profit out of crime by seizing the proceeds convicted criminals get from recounting or talking about their crimes in books, movies, interviews and other media. No one should be allowed to profit from their crimes in this manner. The monies seized, as the Attorney General has stated, would be placed into a fund that would be available to victims of crime and for programs for victims.

When we use the term "criminal," it would apply to a number of things, which are set forth in the definition section of the bill, if any of you are following along with the bill. It would apply to anyone convicted of a serious criminal offence or a serious property crime designated under the act. It would apply to persons acting on the criminal's behalf, such as a spouse, partner, child and other related persons in the absence of evidence to the contrary, and evidence to the contrary would be decided by a judge. It might, for example, be a wife who has been a victim—and I'm not saying that's an example but that's an example that could be considered as evidence to the contrary. It would apply to a corporation where the convicted person has substantial interests, and it would apply to persons for the purpose of interim freeze orders.

Under this bill, the offence may be committed before or after the enactment of the legislation. Property claims may be added under regulation.

An eligible criminal offence under the act would be defined as committing or attempting to commit sexual assault, with or without a weapon. It would be defined as threats to a third party that caused bodily harm. It would be defined as an aggravated assault; this is a criminal offence. It would be defined as a violent, indictable offence with a sentence of five years or more in prison, and a serious property offence under the Criminal Code as prescribed by regulation.

The bill talks about a contract, that terminology, which would include any money paid to a convicted person before or after a conviction for the literary or media description or the recollection, the telling of or the description of the crime. It would include the use of documents that may be related to the crime. It would include an interview of the convicted person about his or her crime. It would include an appearance on a television or radio show by the convicted person. So it's fairly widespread as to what a contract would be.

Under this bill a publisher or any other party to a contract and the convicted criminal would be required to report the existence of a contract involving the recounting of a crime, and they'd have to provide a copy of that contract. The publishers, as the Attorney General has stated, could be fined up to \$50,000 for failure to provide a contract. In addition—

**Mr John Gerretsen (Kingston and the Islands):** That's a lot of money.

**Mr Tilson:** Yes, it is a lot of money, and we're quite serious about this.

In addition, directors and officers of media, publishing and other companies who contract with a criminal would be held personally liable for failing to report a contract.

Bill 69 would ensure that criminals do not profit from recollections of their crimes but would not interfere with a publisher's ability to contract. The Attorney General would apply to the court to freeze and seize the proceeds payable to a convicted criminal for recounting crimes. This would also include any property purchased with the proceeds.

I'd like to explain very briefly the four steps of how this legislation would work.

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The first step is identifying the contract. Once a person accused or convicted of a designated crime enters into a contract to recount or talk about his or her crime, the parties to the contract would be required to report it to the Attorney General within 15 days. The Attorney General may then make an application to court for an order which would freeze the funds payable to the accused person under the contract to which the bill applies. This is included to ensure that, in appropriate cases, the court may freeze funds until a criminal charge is dealt with.

Under Bill 69, funds may not be forfeited out of the bill from an accused person, but only from a convicted person. Where the funds of an accused person have been

frozen and the person is not convicted, then of course the bill requires that the funds be returned to that person. If the accused person is convicted, the bill provides that the Attorney General must apply within a certain period of time for a forfeiture order or the Attorney General must return the funds to that person.

The second step is the freezing and the forfeiting of the funds. The Ministry of the Attorney General would have the authority to commence a legal proceeding. If a person has been convicted of a crime to which the bill applies, the Ministry of the Attorney General would have the authority to apply to court to forfeit the proceeds otherwise payable to the convicted person. Where a person has been charged with a crime to which this bill applies, the Attorney General would have the authority to make an application to freeze the funds pending the outcome of the charge.

The Ministry of the Attorney General would develop operational policies relating to when it would be appropriate for the ministry to apply for a forfeiture order. The relevant factors which the Attorney General's office would likely include are whether the ministry is of the view that the act applies under the contract, the amount of money due to the criminal under the contract, the purpose of the contract, the type of story that's being recounted, the type of crime, the number of victims and other relevant circumstances, including whether the ministry is of the view that a person other than the convicted person who has entered into the contract is actually acting as the agent of the convicted person.

The third step is the distribution of the victims' fund. Funds forfeited under this bill would be disposed in a special purpose account. It would not go to the consolidated revenue fund. Victims could apply for compensation for financial and other losses—for example, pain and suffering—from the fund. The procedures for applying to the fund would be set by regulation. It's expected that the regulations would include reference to factors such as the nature of the harm caused, any out-of-pocket expenses, the amount of funds forfeited and other relevant factors such as whether a civil judgment has been attained.

The fourth step deals with residential funds given to other victims initiatives. In the event that there are funds remaining after the compensation to victims, they would be retained in a special account to fund victims initiatives.

I echo the Attorney General: this bill is needed. It's thorough and it builds on the existing legislation originally started by Mr Jackson, the Victims' Right to Proceeds of Crime Act, by strengthening enforcement mechanisms.

Those are my comments in addition to the Attorney General's comments, and I would encourage all members of this House to support this bill.

**The Acting Speaker:** Further debate?

**Hon R. Gary Stewart (Minister without Portfolio):** I am indeed pleased to be able to speak to Bill 69, the Prohibiting Profiting from Recounting Crimes Act. I



believe that victims deserve to be protected. I also believe that victims deserve to have their voices heard. Victims deserve programs and services that respond to their needs and give them support. Victims deserve to be compensated for the suffering and pain they have to endure as a result of the crimes perpetrated against them. Often, victims must cope with the emotional, physical and financial cost of crimes committed against them. They are indeed the victims.

This government has a genuine concern for the rights of victims. We promised to change the way victims were treated, and we are. We promised fairness and justice for victims, and we have kept that promise.

Since 1995, our government has implemented several initiatives to enhance victims' rights and to make Ontario's towns and cities safer for Ontarians. We have taken steps to protect victims' rights and improve victims' services. In 1996, we passed the Victims' Bill of Rights, an important first step in responding to the needs of victims of crime by setting out basic principles regarding the treatment of victims in the justice system.

The Victims' Bill of Rights also simplified the process for victims who want to sue their assailants in civil actions for damages, and provides better support for children who must testify in court. One of its most important provisions is the enshrinement of the victims' justice fund so that fine surcharges are collected and used strictly for services to victims.

This government fulfilled one of its Blueprint promises when the Victims' Bill of Rights Amendment Act, 2000, was proclaimed in June 2001, creating Canada's first permanent Office for Victims of Crime. I want to emphasize that, if I may: the Victims' Bill of Rights Amendment Act created Canada's first permanent Office for Victims of Crime, indeed a most important initiative. The Office for Victims of Crime played a valuable role in advising government on programs and services for victims. The new agency will consult and liaise with victims and provide advice to the government on issues relating to victims. They would include options for the development of province-wide standards for services for victims of crime, the use of the victims' justice fund to provide and improve services and also ways to prevent further victimization in matters of legislation and policy on the treatment of victims of crime.

We have done more. We have expanded the victim-witness assistance program, which ensures victims are supported throughout the court process. Thirty-one locations will be added across the province, bringing the total to 57 outlets for the victim-witness assistance program in this province. The victims' crisis assistance and referral service, which provides immediate comfort and support to victims of crime 24 hours a day, seven days a week, will expand by 15 sites, for a total of 42. Six new sites will be up and running this year. Working in partnership with local police services, this service will help ensure that the needs of victims are met.

We have launched the joint public-private sector Supportlink initiative, which provides emergency cellular

phone support for victims of domestic violence, sexual assault and stalking. Supportlink, delivered in alliance with Ericsson Canada Inc and Rogers AT&T Wireless, will become a permanent program, and 18 new locations will be added to the two original pilot sites over the next three years. The province-wide expansion of these programs will result in more and better service for victims of crime.

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We are also helping victims of domestic violence. We've created the domestic violence court program, the largest of its kind in Canada, and allocated funding to support victims of domestic violence and their children. I believe that children are one of the most important parts of this whole process. They must be protected for the future. We recently expanded this program to a total of 55 sites, ensuring province-wide access to better support victims and hold abusers accountable.

We have created 15 new child-friendly courts to provide special court and support services for children who are victims of abuse or are witnesses to abuse. Again, as I said, it's a most important initiative because the children seem to be the ones who are caught up in the court system, a very scary system for many of them who have not been there before, through no fault of their own.

We have initiated the victims' justice action plan, which will result in a further expansion of victims' services and major new investments in technology, prevention and programs to better meet the needs of victims of crime.

As well, we are spending \$10 million to provide early intervention programs and transitional support for abused women and children. We have hired 59 additional crown attorneys to interview victims and witnesses and provide other case-preparation-related tasks that benefit victims.

We have recently taken another step to enhance victims' rights and to keep Ontario's communities safe by introducing legislation that will allow victim compensation following court-ordered forfeiture of the proceeds of unlawful activity and to help the victims of that activity. If passed, the Civil Remedies for Organized Crime and Other Unlawful Activities Act would be the first legislation in Canada to use civil law to freeze, seize and forfeit the proceeds of unlawful activity—I emphasize, the first legislation in Canada to allow this to happen.

Our government is listening to victims, and we will continue to do so, because we stand on the side of victims of crime. We have done more for victims than the last two governments combined.

While this government is proud of this substantial progress that builds on our commitment toward victims of crime, we recognize there is more to be done. This bill, the Prohibiting Profiting from Recounting Crimes Act, illustrates we are doing more. It is one more step we are taking to help victims of crime. It demonstrates our commitment to victims and our commitment to the children of victims. I urge all members of this House to

support this very important bill and pass it as quickly as possible.

**The Acting Speaker:** Questions and comments?

**Mr David Caplan (Don Valley East):** I just want to say at the outset that yet with another bill—and it's all too predictable—the words you hear coming from the other side of the House don't match the actions. I would start with a quote: "The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." That was Mr Justice Day in 1999, when three victims of crime went to the courts to seek remedy under the so-called Victims' Bill of Rights. While the Attorney General at the time, Charles Harnick, had introduced this legislation, and while government members got up and spoke in support of it and used much the same kind of language we've heard here today, the government sent their lawyers to say to those three victims of crime, "No, you have no rights. This is just a measure of social policy." Again, Bill 69 is very similar in that same course of events, and it's very sad and very disappointing that essentially the government is trying to fool people into believing they are doing anything for victims of crime.

In fact it's been Dalton McGuinty and the Ontario Liberal Party who stood up for the families who were the victims of crime at the Ottawa-Carleton transport office. After repeated questioning, finally Attorney General Jim Flaherty decided he was going to support those victims of crime. But it was Dalton McGuinty and the Ontario Liberal Party who went to bat for them.

It is Dalton McGuinty and the Ontario Liberal Party, through Gerry Phillips, who have gone to bat for the George family. We've seen the Harris government obstruct and impede every effort to get to the truth.

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Ms Shelley Martel (Nickel Belt):** I think it's shameful that we are here today with a government that is trying to have victims believe they are doing something for them, that the government would try to have people believe there has not been a bill in place since 1994 that already ensures that proceeds from criminals who recount their stories or make movies or speak publicly about what they did already go to victims, because they do.

I think the government members should be embarrassed that they are here today to in essence repeal a law that is stronger than what they are trying to bring forward. When I make my remarks in my 20-minute statement, I'll go through that.

We have a bill that has been in place since 1994, under the Rae government, that already clearly takes any profits from criminals who recount their stories and ensures that money goes to victims. That's already in place. There's nothing new about what the government is trying to pull on us today.

What's different, however, is that under the existing law, the proceeds only go to the victim. Under the bill that is before us today, the money goes to the gov-

ernment, and the government decides if—and that "if" is clear in the bill—victims are going to get money and how much they will get. There is absolutely no guarantee in the bill that is before us that victims will actually get money from the proceeds of crime—nothing.

I think what is really sad today is that we have a government that is here before us trying to pretend they're doing something for victims. It is an insult to all those who already know that this law has been in place since 1994. There's nothing new; in fact, the government bill is weaker.

**Mr Doug Galt (Northumberland):** First I would like to compliment the Attorney General for an exceptional presentation on this particular bill and also the member from Dufferin-Peel-Wellington-Grey, not to mention the member from Peterborough. All their presentations were absolutely excellent and right to the point, talking about the bill.

It's a very, very important bill we're presenting here, and it's way overdue. Really, when you start thinking about it, it strengthens the rights of victims. There's no question that people in my riding of Northumberland are very concerned when victims end up not being protected because of the criminal element. This bill concentrates on the victims of crime and those children. It's time they were indeed protected, and there's no question that this bill will be looking in their direction and ensuring that certainly happens.

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The public have been saying, certainly in my riding for so long, that criminals should not benefit from their crimes. It's been so long that we've heard about people writing textbooks while they're in jail and then selling them on the market for a profit, with all the grisly details that occurred in that crime, and those victims have to experience this book being out on the market. That is totally, totally wrong. So, again, this bill is strengthening the rights of victims. Certainly we've had that before. We've opened an office for victims and it's that kind of support that is needed. Again, I really emphasize the fact that criminals should not be able to benefit from crime, particularly the crime that they have instigated and created and caused and the suffering to those innocent victims.

**Mr Alvin Curling (Scarborough-Rouge River):** I will be getting into more detail on this bill, but it is passing strange that the member for Northumberland was saying this is a bill we need right away and was talking about the urgency of it. I wonder where he was, and his Attorney Generals who had these bills before them and did nothing about it. The fact is that the urgency they are putting on this is really frightening. If they have that much urgency, I hope they have as much substance. I haven't really heard any substance in this bill. I know they're going to leave the substance for a little later on when they will be speaking about—well, they won't be speaking about it—the regulations and all that. But I will be addressing that sooner or later.



The fact is that this government is full of rhetoric. They have the nice words and the nice little prop and all the things that go along to say, "We are a people who are not in for government, but we've passed it on to the private sector" and what have you.

This is a bill, hopefully, that will protect. It's depending on government to protect them. I'm not quite sure if they are there yet, because what I've seen and what I'm hearing is not really the action that I'm expecting. Many of these members here each day position themselves much more on how they look to the public than what they really do and what effect and impact they'll have on our society and protecting our society.

As you know, Mr Speaker, and you fully agree with me, this isn't a government that protects the people who need protection. It's a government that basically is making sure that the corporate structure and all that are firmly in place, and those that have been exploited are not really being looked after. So it is rather passing strange that they put this bill in and then talk about urgency. I think I'd put it down as a matter of suspect whether this will be an effective bill.

I will be speaking on this bill later on at length to see if I can get answers to the questions. Therefore, I would bow now to the response that they will give to all this.

**Mr Tilson:** I'd like to thank the members for participating with respect to responding to the comments made by the three government members.

The member for Don Valley East has referred to the Day decision, as have a number of his colleagues in other debates in this House involving victims, and he's referred to the Vanscoy case. He obviously hasn't read it. He's obviously taken the notes that have been given to him by some Liberal staffer and has said, "You know, the Victims' Bill of Rights means absolutely nothing." Well, I suggest that he reads the bill. I suggest that he reads the facts of the bill. What he is saying has nothing to do with the decision that was made by Justice Day. Justice Day, if I could just read a portion of his decision, said, "What may seem cut and dried to an untrained person, especially one who is the victim of the crime, may in fact be a morass of evidentiary and procedural problems to the crown attorney."

What happened in this particular case, for the member for Don Valley East, was that the victim didn't like the charge that was proceeded with by the crown attorney. Now, I understand why she didn't like that, but that's what the case was about. It had nothing to do with the principles of the Victims' Bill of Rights. It had nothing to do with that. They're going to keep on referring to this case, but before they do, I suggest that they read the case and not just the notes that some staffer has stuck in their face.

With respect to the member for Nickel Belt, what she has said is not quite correct either, and I would refer her to section 9 of the bill, specifically subsection 9(3), which talks about where the money is going to go. She

says they're not going to get it. Well, they are. Read that section.

**The Acting Speaker:** The member's time has expired. Further debate?

**Mr Gerretsen:** I'm very pleased to join this debate. First of all, I would like to ask again that our lead be set down until the next time. I believe there has already been unanimous consent on that, Speaker.

**The Acting Speaker:** The member for Kingston and the Islands seeks unanimous consent that the leadoff time be set down. Is it agreed? It is agreed.

**Mr Gerretsen:** Thank you very much, Speaker. I appreciate that very much.

We're talking about a bill which I think most members in the House will agree to. Certainly we on this side of the House agree with the basic contents of the bill. On the other hand, it is a bill that really adds very little to the public policy of this province. I'm not saying that the bill is not a good idea. But you know, it's interesting; when the Attorney General was asked, when the previous bill was introduced last year—you may recall we had exactly the same bill. It was on the order paper and when the House prorogued, it fell off the order paper. But when he was asked during questioning by the media as to whether he could think of a single example here in Ontario where an offender has actually made money by telling a story of his or her crime, he couldn't think of any. He could not think of any incident where somebody had made money from recounting his crime. So whereas this is a law that looks good on paper and everyone will support it, it really doesn't do anything, because we haven't had those situations.

Just to give you another example, I'm looking here at Bill 210, which is the bill the Attorney General referred to earlier, the Jackson bill, when Cam Jackson, as a private member, had a similar bill passed in 1994.

**Mr Curling:** I remember that.

**Mr Gerretsen:** The member for Scarborough-Rouge River remembers that because he was here at the time. So this is seven years ago, and I've got to give Cam Jackson full credit. He had a bill passed and the government of the day accepted it.

The question is, how often has this bill been used by victims of crime to actually pay the victims, under the same set of circumstances as are set out in Bill 69? Do you know how many times this bill has been used, Speaker? I know you would be interested in this. It has never been utilized. The Jackson bill, on which the current bill is modelled, has never ever been utilized. It is another example where this government—and they're good at it. I'll be the first to admit that they're very good at giving the general public the impression of, "We are tough on crime. Just leave it up to us and we will get the criminals and we will give victims their rights" etc.

But when you look at the results of all the various actions they've taken, whether it's from squeegee law—remember, they were going after the squeegee kids etc, and it would be interesting to see how many convictions were ever registered under that law—or whether we're

talking about this bill or previous bills like this, and you say, "How often have victims of crime actually gotten money as a result of these laws being passed?" you'll find out that they've been used very preciously little.

As a matter of fact, the Toronto Star had a very interesting article on December 18, in which it made some suggestions to the then Attorney General, Mr Flaherty, as to what he should be doing, rather than getting involved in this kind of law. This dealt with the proposed movie at the time of the Bernardo-Homolka film. Of course, we all totally agreed that that should not take place. But the Star suggested at that time that maybe, rather than passing this kind of bill, the government would be further ahead if it first "could ensure that the producers of the proposed movie get no provincial tax credits". That really hurts. If you tell the film industry, "If you make a movie on people recounting their crimes, you will not get any provincial tax credits," that will stop it in a heck of a hurry, a lot more than this kind of bill would.

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Second, they said that "they could thank the actors who have said they want nothing to do with the project. Their refusal to audition for the movie, even though it might mean a paycheque and big-screen exposure, is a commendable example of public responsibility." The government could have taken that action to show the right kind of leadership.

"Third, they could make it clear to the Ontario Film Development Corporation, an agency of the Ministry of Citizenship, Culture and Recreation, that this is not the kind of movie that deserves public support."

Those are three very meaningful ways that are going to hit the film industry in their pocket if they get involved in this kind of venture, that will be a lot more meaningful than this kind of act. In this kind of act—I'll refer to section 9 that the member from Dufferin talked about earlier—there's absolutely no guarantee the victims of crimes will ever see any money under this act. If somebody recounts the telling of a crime, there's nothing that ensures they will actually see the money.

Anyway the article sums it up so beautifully in the following two sentences: "Empty legislation is not the answer. Moral leadership is." That's what this government could be providing to the people of Ontario.

The other issue that always amazes me is that I think the people of Ontario know that, at the provincial level, we primarily only deal with individuals who are sentenced to two years less a day in a provincial institution. These are not your hardened criminals. The hardened criminals, many of them, are in my hometown where we've got seven federal institutions where people are incarcerated for two years or longer; for a lifetime, some of them. That's where a lot of the hardened criminals are, not within our provincial institutions. With many of the issues we deal with here, you almost wonder, why don't the members of the government, if they are so interested in the criminal justice system, run federally for the Alliance party, since most of them

belong to the Canadian Alliance Party anyway? If that's where their real interest happens to be, run for the Canadian Alliance Party. Get involved federally and change some of those laws that you think need changing. Basically the province does not deal with hardened criminals.

Let's take a look at some of the sections of this bill. The member from Dufferin-Peel referred, I believe it was, to section 9. It's interesting. I'll just tell you this: when a court actually makes an order that payment or property should be given to a crown—I think it's a progressive move to have that dealt with in a criminal proceeding right away so that the person should not have to initiate a civil proceeding, as under the Jackson act. I think that's a good idea. It says the crown can—it doesn't say must—make payments to compensate any victims of that particular crime.

There is absolutely no guarantee that if a victim of a crime is further victimized as the result of the recounting of that crime by the offender, the victim of that crime will get the money that is involved in the contract we heard about earlier.

Yes, the member from Dufferin-Peel will say, it doesn't go into the consolidated revenue fund. That's like saying it doesn't go into the general coffers of the province of Ontario. But that is not saying that means the money will go to the victim of the crime. As section 9 so clearly states, it says that the crown can make payments to compensate any victims of that particular crime, or it can use the money to assist victims of crime generally or for other uses to be prescribed by regulation. In other words, it is not going into the consolidated revenue fund of the province but into some sort of consolidated revenue fund that is administered by the Attorney General, who can then use it for other purposes, not as it relates to the victims of the particular crimes the recounting is concerned with. It could just go to assist victims in general, and I suppose that's a good idea. I've got nothing against that personally. But somehow to let the people of Ontario believe that if they are victims, they will somehow get the money or the benefit from that, as a result of the contravention of this new proposed law, is not correct. I know we can't use words like "misleading" or anything of that nature in the House, and I would never use that kind of terminology, but it is not correct to say those victims will get the money. That money can go for other purposes or for other uses as prescribed by regulation.

Last night we had a major debate here about a bill that dealt with food safety, in which basically everything under the act will ultimately be determined by regulation. The fear we have on this side of the House is that regulations are basically recommendations, in this case from the Attorney General to his colleagues in cabinet, and can all of a sudden be announced one day to the general public. There's no public input at all. We have no idea what those regulations will be. I suppose that only in unusual cases has the Legislative Assembly ever been involved in actually dealing with regulations. All I'm



saying is that there's no assurance whatsoever that the money that is collected as a result of this law will go back to the victims of that particular crime. It could be used for many, many other purposes.

I want to briefly address another issue that is closely connected with this, in my opinion. It deals with what happened at Ipperwash some five years ago.

*Interjection.*

**Mr Gerretsen:** The Minister of Community and Social Services laughs about that, but we have a situation there where certainly the George family have been the victims of criminal activity. They lost a member of their own family. You would think that a government that is under siege as a result of the various questions that have been raised in this House by Mr Phillips, who has been on this particular file since day one in September 1995, and by other members in the House as well, a government which claims it is interested in protecting victims of crime and that it will do whatever it can for victims of crime, would be interested in having a complete public airing about what happened at Ipperwash.

The question I have is, if no one in the cabinet has anything at all to hide, if it is really as transparent a situation as they claim it is, why don't they hold a public inquiry? Get all the people before the inquiry officer. Let's have an impartial adjudication of what happened there, and then at least the victims of that particular crime, the George family, could get some sort of satisfaction from at least knowing how the actions of September 6, 1995, happened and could find some comfort in that, as well as the people of Ontario. To me, the government's inaction on repeated requests, not only by members of the opposition but also by others in our community, to hold such an inquiry on the flimsy excuse that there is a civil proceeding going on shows me they are not really concerned about the victims of that crime and they really don't want to have an airing of that entire issue.

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I know the Attorney General and the member for Dufferin-Peel-Wellington-Grey will say, "Wait a minute. There's a civil action going on, and we can't comment on that. There may be an inquiry in due course." But it's kind of interesting that in the Walkerton situation, where there were also all sorts of civil proceedings started by people who were affected as a result of the tainted water, the government did not say, "No, we're not having an inquiry until such time as all the civil actions have been settled or dealt with." All we are looking for is some form of consistency.

I say to the Attorney General and to the government, yes, we support this kind of legislation. But more than anything else, we want you to be fair and even-handed as you deal with all victims of crime in this province. What is good in one case should be good in another case as well. It is certainly our assessment that you are not dealing with the Ipperwash situation in the even-handed manner that you seem to indicate.

As has already been pointed out, and perhaps the member for Dufferin-Peel-Wellington-Grey can comment on that, Mr Justice Day of the Ontario Court in 1999 looked at the Victims' Bill of Rights—it's kind of interesting that the government whip seemed to spend most of his time talking about that act rather than the act we're dealing with—and made the unequivocal statement, "The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." Justice Day says it better than any of us ever could. He stated that the Victims' Bill of Rights really doesn't give anybody any more rights than they already have.

Let me just say one other thing before my time is up. It deals with the whole question of the extent to which victims of crime ought to be or should be involved in criminal proceedings. Although I haven't practised criminal law in quite some time, even years ago, 15 or 20 years ago, it was quite common for crown attorneys who were interested in this issue to involve the victims of crime in preparation—perhaps not in the ultimate decision that was taken in criminal proceedings. Quite often the good ones got the victims involved because they felt it was extremely important that those individuals should be listened to and should be part of the process. It was done at a time when there wasn't any legislative necessity to do that. Yet it was done because the crown attorneys who were involved felt it should be an integral part of the process.

What I'm saying is simply that quite often in the past, when something may not have been set out in legislative authority, the good practitioners, whether they were on the crown side or the defence side, and the judiciary as well, were already practising many of the steps that are necessary in order to involve the victims of crime. So you can put it all down in legislation, but if there's not the willingness to really implement that legislation in a meaningful way, it is empty rhetoric.

As I wind up my few minutes on this bill, let me just say that yes, I for one, and I hope that members on my side, will be supporting this bill. But I hope the people of Ontario will realize that there has never been any proceeding take place with respect to the Jackson bill, on which this bill is basically based, in over a seven-year period of time. The fact there is absolutely no guarantee that the money that is obtained by the Attorney General by way of a court order will go back to the victims of that particular crime does not help the people of Ontario, and they should not be led to believe that this bill in effect does more for them than it really does.

**The Acting Speaker:** Comments and questions?

**Mr Tony Martin (Sault Ste Marie):** I want to commend the speaker in his analysis of just what's going on here. This is either one of three things or perhaps two of three things that this government has become very good at.

It's a public relations exercise that speaks to another hot-button issue of theirs that they love to drag up when

things get a little quiet and it looks like they're in trouble on other fronts. You whack the hot button, wake everybody up, and get everybody involved again in a discussion that, in this instance, is redundant because there is already a bill in place that passed when we were government by one of their own ministers that in fact does what they're calling for in this bill.

It will be explained, though, by my colleague who will speak in a few minutes that in fact what this bill could be is another one of the three things I mentioned, and that's a cash grab by this government. It recognizes there's some money out there to be had. Given that they are giving away the money they get legally through the income tax system to their friends and benefactors by way of the tax breaks, they have to shake the bushes everywhere across this province to get as much money as they can into the coffers to pay for some of the things they know they're going to need if they are going to respond to the very difficult economic climate that we can all see coming at us.

It's one of those things that this bill is about. I guess it's just a question of trying to figure out exactly which one at any given time they're trying to accomplish.

I commend the member for putting on the record what I think are very pertinent points re this piece of legislation and calling the government for—

**The Acting Speaker:** The member's time has expired.

**Mr Tilson:** I'd like to respond to the member for Kingston and the Islands. I can't resist, though. To the last speaker, who calls this bill a "cash grab," I've never heard anything more preposterous in my life. This is not a cash grab. This is to stop criminals from receiving a profit for books and movies on victims. It is not a cash grab. Read the bill.

With respect to the member from Kingston and the Islands, he seemed to say that this bill is not really doing anything, and yet he's going to support it, which is kind of strange. Of course, this party, the Liberal Party, raised almighty heck when there was going to be a movie recently about victims. People were profiting, and they said, "Do something." What do you think this bill is? With this bill we're going to do something. I'm glad to hear he's going to support it, because this bill is doing something. We're going to stop criminals from profiting from the crimes they commit. If they make movies, if they write books, if they grant interviews, that money is going to go to victims, and it's going to deter those people from getting into that sort of activity. So when the Liberal Party starts saying, "Do something," that's exactly what we're doing. On the one hand, they're saying, "We don't like the bill. We're not too sure what they're doing," and yet they say they're going to support it.

I'm glad that the Liberal Party is going to be supporting this bill. I look forward to hearing the rest of the debate from other members of their party, but to take the position—

**The Acting Speaker:** Thank you. Comments or questions?

1630

**Mr Bruce Crozier (Essex):** I want to compliment my colleague from Kingston and the Islands for the comments he made on Bill 69. They were reasoned comments and I think he was able to outline just exactly what this bill does and does not do.

I, like him, don't mind supporting the bill, although we feel there is much more that could be done for victims of crime. I'm not a lawyer, and therefore I appreciate—some would say I appreciate the fact that I'm not a lawyer, but I appreciate the analysis that's given to us by those who understand the law to a greater extent than we. That's why I don't mind supporting it, because if it's seen to be a step, perhaps it's a step in the right direction.

But I am concerned, and I want to reiterate what was referred to by my colleague, where Mr Justice Day of the Ontario Court described the flawed Victims' Bill of Rights. In his words, "The act is a statement of principle and social policy beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." To me, in non-legal language, that may mean that it's not worth the paper it's written on. If that's the case, I would encourage this government to bring in a Victims' Bill of Rights that does have some teeth and that can be used, because, as my colleague says, it very well may be that this piece of legislation will never be used.

**Ms Martel:** I appreciated the comments by the member from Kingston and the Islands, who during his remarks tried to hold the government accountable for what this bill is and for what it is not.

It is not honest to stand here today, as government members have, and tell the public that this bill is about protecting victims, to ensure that criminals don't profit from the proceeds of crime, and to pretend that this bill is the first piece of legislation that does that. The fact of the matter is that in 1994, in this assembly, a private member's bill that stood in the name of Mr Jackson was passed unanimously by all three parties, and it does just that: it guarantees that any profits made by criminals who tell their stories either publicly to audiences or in books or in letters or anything else now go to victims of crime. That law has been in place since 1995, because it was passed just before Christmas 1994.

The government here today is doing absolutely nothing new in this respect, and it is just not very honest for the government members to pretend otherwise. In fact, what the government bill does is probably weaken the current law and make it more difficult for victims to get what they are entitled to, but I will explain more of that in my remarks which will follow.

**The Acting Speaker:** The member for Kingston and the Islands has two minutes to respond.

**Mr Gerretsen:** I'd like to thank the members from Essex, Sault Ste Marie, Nickel Belt and Dufferin-Peel for their comments.

Just to pick up on the comments of the last speaker, from Nickel Belt, she is correct. At least under the Jackson bill, if you got a judgment, that money went to



the victims of crime. There is no guarantee of that in this bill whatsoever.

We will be supporting the bill, and I don't think it's a cash cow either, because I think we'll probably find out five years from now that the bill will never have been used, so that even the government didn't get the money.

Couldn't we be using our time here a lot more meaningfully if we started to talk about why the government felt it was necessary to advance its corporate tax cut of \$175 million rather than put the same \$175 million into the community care that people around this province need? Just about every community care access centre hasn't got enough money to serve those individuals who are coming out of hospitals or the elderly who need home care and nursing care. Why is the government not putting the money into that effort, rather than accelerating the corporate tax cut?

I know that's not about this bill, but that's what the elderly, the frail and the people who need our help in this province really want. They want us to look after that because those people have been abandoned by this government; they have been abandoned on a day-to-day basis. These are people who are coming out of hospitals and need help. They need nursing help; they need home care help. Why is this government refusing to do that? Why do they think it's more important to give \$175 million in corporate tax cuts rather than helping the frail and elderly? That's the question we should be debating here. Thank you very much for your attention.

**The Acting Speaker:** I would just like to go over this: the debate is about Bill 69, the questions and comments are about the previous speaker and the response is usually about those speakers. I would ask that you stay on the subject.

Further debate?

**Ms Martel:** Mr Speaker, I will take your comments to heart. I want to begin by saying that I will be opposing this bill because I believe this bill weakens the law that is currently in place. I will speak to the provisions of the bill and make some comparisons to Cam Jackson's bill that I believe will make this very clear.

Where I want to start, though, is to make it clear that I, like everyone here—

**The Acting Speaker:** In order to stand down, we will need unanimous consent. I'll get that if you ask me, and I assume you asked me.

**Ms Martel:** I didn't and I apologize.

**The Acting Speaker:** The member for Nickel Belt has asked for unanimous consent that the leadoff time be stood down. Is it agreed? Agreed.

**Ms Martel:** I want to begin by actually reviewing some comments that Cam Jackson made when his bill was debated in this assembly on December 8, 1994, because it is reprehensible that any criminal would make any profit from a crime. All members of the assembly agree with that, and all members of the assembly in 1994 agreed with that, which was why his private member's bill got unanimous consent and passed second and third reading that same evening.

He said the following as he was thanking those people who had been involved in bringing the bill forward and ensuring it was passed:

"The most important people are the families themselves and their courage to come to Queen's Park and to further risk their open pain in a public, political forum. Members will recall that Debbie Mahaffy was present with us in the Legislature on October 21, 1993, when she said that 'To profit from crime, the murder/violation of another human being, is quite a repulsive reality in Canada.' And she pleaded with members of the House not to allow profiting from crime to go on in such a fashion. Present in the House that day were also Doug and Donna French, who in a letter that was given to every member of the House—and every member of the House supported the bill that day—wrote to us: 'The fact that people want to profit from someone else's tragedy is disgusting. But the fact that the criminals themselves can profit from crime is an outrage. It exploits victims and their families and in fact promotes crime.'"

I start there because it was because of families of victims like the Mahaffys and the Frenches who came forward that Cam Jackson got the support he did in 1994 when this assembly debated his private member's bill. So we thank those families who came forward to make it possible for that bill to be passed.

I am convinced, in reading through Mr Jackson's bill and the government bill before us, that Mr Jackson's bill affords more protection in guaranteeing that victims of crime get the proceeds from criminal activities and the exploitation of those than does the government bill. Let me refer to section 9 of the bill to make it clear that despite what the government members have said here today in trying to support this bill, nothing in their Bill 69 guarantees that a victim of crime will get those profits and those proceeds.

#### 1640

The specific section I want to refer to is section 9 on page 9 of the bill. It is true that a special purpose account will be set up; the government has referred to that. The subsection I'm most interested in is (3), "Payments out of account," which reads as follows: "Subject to the regulations, if money is deposited in an account under subsection (1) in respect of a designated crime, the Minister of Finance may make payments out of the account for the following purposes...."

The key words, the operative words, are "the Minister of Finance may make payments," not "shall make payments," not "is obliged to make payments," not "is responsible to make payments," but "the Minister of Finance may make payments." The discretion is his. There is no guarantee in the law or anywhere else in section 9 to clearly state that payments shall be made to victims of crime when there are proceeds from criminal activities.

I'll go on. The Minister of Finance may make payments in the following circumstances:

"1. To compensate persons who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, as a result of the crime.

"2. To assist victims of crime."

There are again some key words here that make it clear there is no guarantee that victims will get these proceeds:

"3. If, according to the criteria prescribed by the regulations, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 and 2, such other purposes as are prescribed by the regulations."

It is clear, contrary to what I heard the Attorney General say in this House, that if there are additional funds in the account after payments are made to victims, if indeed they are made, because that's at the discretion of the Minister of Finance, there is no guarantee that those surplus funds will go to victims either. The law is contrary to what I heard him say in this House today, because I recollect him saying that any additional surplus money will go to victims. Subsection 9(3) makes it clear that any surplus money may go to any other purposes the government defines, and those will be defined in regulation. They're not even in the act.

It's very clear from my reading of the bill that there is no guarantee, as exists in the current law, that victims will get the proceeds, because it remains at the discretion of the Minister of Finance, who may make payments. It is also very clear that any surplus money that comes from the proceeds of these crimes is not money that is automatically guaranteed to victims either. The government can divert those funds for other purposes, which is exactly why my colleague the member from Sault Ste Marie made the comment he did about the government making a money grab. It is very clear that there is no designation of all of these funds to victims of crime.

I ask members to compare what I have just read in terms of the discretion and the words "may make payments" to what is in the current law, passed in this Legislature in 1994. In section 6(2), which reads, "Payment to victim," it says as follows:

"The public guardian and trustee shall pay the amount necessary to satisfy the award of judgment and costs in accordance with this section"—the key words, "shall pay the amount necessary"—"if the public guardian and trustee is satisfied that the person is a victim of a crime committed or alleged to have been committed by the accused or convicted person; and

"(b) if the public guardian and trustee has received money under section 2 relating or possibly relating to the crime."

Let me deal with the section on additional funds—surplus funds. Subsection 6(4) says the following: "If the public guardian and trustee receives additional money under section 2 after making a payment under this section, the public guardian and trustee shall pay the additional money to the victim to the extent necessary to satisfy the award of judgment and costs."

Again, the key words, "the public guardian and trustee shall pay the additional money to the victim." There is a clear obligation on the part of the public guardian and trustee, which comes under the auspices of the Attorney General, to make additional payments, if there are any, to the victim, not to divert it to other purposes as the government dreams up, as is clear they can do in the law they put before us. And the obligation of the trustee with respect to the initial payment to the victim is clear as well; a clear obligation, a clear responsibility, clear direction to make a payment. They "shall pay the amount necessary to satisfy the award of judgment and costs."

I submit to you that the wording in the government legislation is weaker, far weaker, than the wording that appears in the current law, and it is far weaker because there is no onus, no obligation, no responsibility on the part of the Minister of Finance to make payments to victims, and there is no further responsibility for the same minister to make additional payments if additional profits are realized, and to make those payments to victims.

The current law is clearly different, because there is an onus, there is an obligation, there is a responsibility; the word "shall" appears in all of the sections with respect to making payment. So there can be no opportunity for funds that should go to victims to be diverted by the government for other purposes.

I also want to point out that a number of the sections that the government purported to be new or somehow improved are in fact the same between the two bills.

You see, already under law, this section does apply with respect to criminals who try to do the following, that is, make money:

"(a) for the use of the recollections of the accused or convicted person respecting a crime;

"(b) for the use of documents or other things in the possession at any time of the accused or convicted person that may be related to a crime;

"(c) for an interview with the accused or convicted person or with a related person in which the person recounts matters respecting a crime;

"(d) for an appearance by the accused or convicted person or by a related person, other than an appearance to address victims' groups or incarcerated persons."

Contrary to what the government members tried to do today, which is to say we are doing something new, and if anyone, criminal or accused, undertakes any of these activities—selling a book, making a movie etc—we're going to grab those profits, the current law is clear. That obligation already exists. The law is clear. The very same individuals carrying out crimes, whom the government purports to be doing something about today in some new fashion, are already covered under the current law, and their activities are covered under the current law, so there is no change with respect to what activities people undertake and the profits that they obtain from those. There's no change in that. Very clearly, right now, a criminal undertaking any of the activities the government



talked about today would have those profits seized and those profits would go to the victims.

**1650**

Secondly, the money right now—let me refer to the contract first. The government talked about the fact that the contract between the publisher, just to give you an example, and the accused must be filed with the Attorney General, as if that was something new. The fact of the matter is that under the current law, that same written contract has to be provided to the public guardian and trustee and each party has to provide a written copy of that: “Each of the parties to an oral contract shall reduce it to writing and give a copy” to the public guardian and trustee, as well. And any person who fails to comply with this section already is liable to a fine not exceeding \$50,000. That’s the same as the government talked about today. The government would have you believe that there is some new fine that they’re now going to impose on people who do not file a copy of their record with the Attorney General. The fact of the matter now is that if the parties do not file a copy of the contract with the public guardian and trustee, they can already be fined \$50,000. There is no change in what the government brings forward today to what is currently in place under the law that is now in place.

There were other sections which I thought interesting that I don’t think the government is bringing forward from the old law, particularly the list of payers in subsection 3(3). It says clearly that the public guardian and trustee “shall make available to the public for inspection on request a list of persons who make payments relating to contracts, the payments received” by the public guardian and trustee “and the name of the accused or convicted person in relation to whom the payments are made and received.”

The government didn’t talk about that. In my very brief, cursory look at the bill that’s before us, I don’t think that section carries, and I wonder why the government wouldn’t want to have ongoing disclosure of those important pieces of information that, again, make reference to people who are making payments related to contracts, the value of those payments and the accused or convicted persons to whom those payments are being made.

There are other sections that are the same as well, but I won’t go through them. Suffice it to say that the penalty is the same, the need to file a contract is the same, just with a different party. It should also be noted that the public guardian and trustee acts under the auspices of the Ministry of the Attorney General now. In fact, what is different, and what I am most concerned about, are those provisions which in my mind essentially weaken the law that we have in place.

What is clear is that what the government will be doing through this process is diverting money that would currently go to the public guardian and trustee to a special purpose account. But it will be the government, indeed it will be Minister of Finance, who will have the ultimate say in who will receive money from that

account, how much money will be received from that account and what happens to the surplus money from that account. As I stated earlier, my overwhelming concern is that the changes that the government purports to make today in fact weaken the law, because there is no clear obligation on the part of the Attorney General, the Minister of Finance or this government to make sure that it’s victims themselves, or the families of victims, who will receive proceeds or profits from any of those criminal activities that are publicized by the accused or by criminals.

That is wrong and I think it detracts greatly from the bill that was passed unanimously in this House in 1994. Frankly, I think it’s an insult to those families who came forward during that period of time to urge our government to move forward with this bill, because those families, when that bill was passed, certainly thought they had a guarantee to receive those funds if funds were flowing. I wonder if those families realize now or recognize now that as the government moves forward with this bill and repeals the current law, they indeed will not be entitled to receive those funds. It will not be a matter of responsibility or obligation on the part of this government to flow money to victims either in initial payments or if surplus funds are realized.

Let me close by saying that if the government had wanted to do something about victims today, and I would encourage the government to do so, rather than bringing forward a bill which weakens victims’ rights, the government would have been well advised to bring forward a new bill of rights, which this government has failed to do since the Premier made a second election promise of the same in 1999. We all know clearly what Justice Day had to say about the government’s former bill of rights, which was to dismiss it out of hand and to call it for what it was, which is a sham. I would have thought that after that having happened in May 1999, the government would move forward with a bill that really does ensure that victims are not victimized twice. The government could have used that opportunity today to do something concrete instead of really weakening victims’ rights as they are with this bill today.

**The Acting Speaker:** The member’s time has expired. Comments and questions?

**Mr Tilson:** The member from Nickel Belt has raised a number of issues and I will try to comment in the time allowed on two of them. The one comment she made was that victims do not automatically receive the funds under section 9. When one reflects, there is no question that the existing law needs to be improved, and that’s what we’re doing, improving on the existing law.

With respect to victims, there are, contrary to what she may believe, in many of these crimes, more than one victim. You can have a victim, for example, a woman; other victims might be that woman’s spouse, that woman’s children, that woman’s parents. They all may need to be compensated and all of that needs to be looked at.

I know my friends on the other side don't like to talk about regulations, but there is no question that this bill, like all bills, will have to have some regulations, and it is our intention to put forward regulations that will deal with situations such as that. But you can't put all things in little compartments, as the member is suggesting.

The other comment that she made—I can only very briefly comment on a couple of things—is that there is basically no change. One of the things that has changed is, under the existing law that Mr Jackson had, the victim had to sue to collect. The victim had to go through a regular action to collect, and then when they get judgment they may not get anything. This bill does a whole slew of things. If you look at section 5, for example, there is an order for preservation of property. This could happen even before the action is started. The residual funds aren't returned to the criminal under the law that we're suggesting. In Mr Jackson's previous law they had to be returned to the criminal. So there is a whole slew of things which changes the existing law.

1700

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Même si nous ne sommes pas nécessairement d'accord ou du même avis sur ce projet de loi, je dois féliciter la députée de Nickel Belt pour son travail en recherches en ce qui a trait à ce projet de loi. Je crois que la raison que nous ne sommes pas du même avis, c'est que l'interprétation diffère de la nôtre.

Si je regarde le paragraphe 5 de la note explicative, je crois que c'est clair :

« Le projet de loi prévoit un mécanisme permettant d'utiliser les sommes d'argent consignées au tribunal ou les biens qui font l'objet d'ordonnances de conservation de biens pour couvrir les frais juridiques raisonnables » selon l'article 8 du projet de loi.

Si je vais à l'article 8, je lis bien :

« Frais juridiques

« 8(1) Sous réserve des règlements, la personne qui revendique un intérêt sur un bien, notamment une somme d'argent, qui est consigné au tribunal dans le cadre d'une instance introduite en application de l'article 4 ou 6 ou qui fait l'objet d'une ordonnance de conservation d'un bien rendue en vertu de l'article 5 ou 6 peut présenter à la Cour supérieure de justice une motion en vue d'obtenir une ordonnance portant que soient prélevés sur la somme ou sur le bien les frais juridiques raisonnables qu'elle a engagés. »

Donc, je crois qu'on pourrait dire que c'est définitivement un projet de loi qui va dans la bonne direction. Nous croyons, au Parti libéral, qu'il est sage de supporter ce projet de loi.

**Mr Martin:** I think the member for Nickel Belt did a fabulous job of pointing out to this House why this bill is redundant, making the case that a bill of Mr Jackson's passed by our government in 1994 at the time did the job that this government is purporting to want to do in this instance. Of course, the difficult piece of this and the most challenging piece of this is pointing out to the public out there that in fact what this bill does is take

away from those victims who now can expect to realize some benefit from some legislation and put the benefit and decisions around who gets that benefit clearly into the hands of the government. We're not sure that they will always rule in favour of victims, because we know what their track record is around here where victims are concerned.

It raises the questions then, just what are we doing here this afternoon, just what is this piece of legislation about? As I said earlier, it is perhaps one of or two of or all of three things. It's another exercise in pushing the hot button that this government has become so good at. It's a money grab or a cash grab because that's what it does. It gives the government the right to decide where this money goes, and it may in fact end up in general revenue. It may also be a fact that this government doesn't have anything else to do. It doesn't understand the very dire circumstances economically that people out there are now beginning to experience; the fact that a recession is upon us, regardless of what the Premier says from one day to the next. There are a million things that they could be doing if they really wanted to help people in Ontario.

**The Acting Speaker:** The member's time has expired.

**Mrs Tina R. Molinari (Thornhill):** It's a pleasure to rise today and speak on this bill and to comment on some of the member for Nickel Belt's comments. It's understandable that the members opposite would not support or agree with any government bill and find all types of faults in it. But I want to point out that this proposed legislation further protects victims, and that's what this government is here to do, to further protect victims; that is, the profits of the criminals who make profit from their crimes will be put into a fund to further assist victims.

The member for Nickel Belt also talked about Cam Jackson's bill. I want to point out that the NDP had nothing to do with that bill, so for the member to raise it as an issue in the context of this debate certainly has a lot to say for that member.

I want to also congratulate the Attorney General for presenting Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime. That's what needs to be understood here, that this bill will protect victims and any profits made from the crimes of the criminals will be put into a fund to further assist victims. Certainly as a government that is supportive of law and order in the province and further protecting victims, this is a bill that I encourage all members of this Legislature to support.

As the member for Thornhill, I know my community is very concerned with safety and very concerned if there are criminals within Ontario who are actually profiting from their crime. This will be supported by myself and certainly this side of the House, and I encourage the other members to support it as well.

**The Acting Speaker:** The member's time has expired. The member for Nickel Belt has two minutes to respond.



**Ms Martel:** May I begin with the last speaker, and maybe I'll quote Mr Jackson on the night of December 8, 1994, who said the following:

"I do want to indicate that although I tabled this bill or a form of this bill almost exactly five years ago tonight, in December 1989, I was very much moved and guided by the initial work of Mr Renwick"—who was a New Democrat—"and, by extension, Mr Wildman"—who was still a sitting member at the time. "Much of their work was reflected in the bill that I have had tabled in this House for those five years."

He went on to thank the Attorney General, the Premier and all members who supported it, and I must say that the bill would never have passed if we had not supported it, because we had the majority. I hope tomorrow this government might see fit to pass the Safe Drinking Water Act that's going to come forward from my colleague Marilyn Churley if they really care about issues of safe drinking water.

Let me say to the parliamentary assistant, I heard you say that part of the reason we need regulations is because there may be multiple victims involved. I understand that. But the fact of the matter is, there are probably already multiple victims who need to be compensated under the current act. That hasn't changed, and that's not going to change with your bill.

The current law provides for notice provisions in a very public way through advertising, to have people come forward if money is received, if they believe they have been a victim of a particular crime. The current law also allows the public guardian and trustee to use any other mechanisms, notification etc that they might have at their disposal to ensure that victims do come forward. The current bill also makes it very clear that if there aren't enough funds to pay all of the victims who might come forward with respect to a particular crime, then the public guardian and trustee shall distribute the money to the victims on a pro-rated basis. So I do not buy your argument that somehow we need regulations because we can't deal with multiple victims. The bill allows that.

My concern is the use of discretion in the bill, which does not guarantee that victims will get the money they are entitled to.

**The Acting Speaker:** Further debate?

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to be able to stand here this afternoon and say a few words on Bill 69, the act brought forth by our new Attorney General, David Young, the Prohibiting Profiting from Recounting Crimes Act, 2001. I want to compliment not only David Young but also our previous Attorney General, who has moved on to be the Minister of Finance, for bringing forth a lot of good law and order legislation in this particular Parliament. They've done a phenomenal job of it. Of course, they are what you would call rising stars in Canadian politics.

Victims deserve to be protected.

*Interjection.*

**Mr Dunlop:** Thank you very much. That's nice of you to be quiet.

Victims deserve to have their voices heard. We promised fairness and justice for victims, and we have kept those promises. Since 1995, our government has implemented several initiatives to enhance victims' rights and to make Ontario's towns and cities safer.

This government fulfilled one of the Blueprint promises when the Victims' Bill of Rights Amendment Act, 2000, was proclaimed in June 2001, creating Canada's first permanent Office for Victims of Crime. The Office for Victims of Crime plays a valuable role in advising government on programs and services for victims. The new agency will consult and liaise with victims and provide advice to government on issues relevant to victims.

We have expanded the victim/witness assistance program, which ensures victims are supported throughout the court process. Some 31 locations will be added across the province, bringing the total to 57.

The victims' crisis assistance and referral service, which provides immediate comfort and support to victims of crime 24 hours a day, seven days a week, will expand by 15 sites, for a total of 42. Six new sites will be up and running this year.

I want to thank the Office for Victims of Crime for the support they have given me in my riding with the new organization we've had in Orillia for the last couple of years. It's been a phenomenal organization. They have added a lot of volunteer workers and they are one of the more busy victims of crime referral services in the province. I would like to thank Patricia Hehn, the executive director, for a job well done and for bringing a lot of volunteers to help with that organization.

**1710**

We are also helping victims of domestic violence. We have created the domestic violence court program, the largest of its kind in Canada, and allocated funding to support victims of domestic violence and their children. We recently expanded this program to a total of 55 sites, ensuring province-wide access to better support victims and hold abusers accountable.

Our government is listening to victims and we will continue to do so because we stand on the side of victims of crime.

We recently took another step to enhance victims' rights and to keep Ontario's communities safe by introducing legislation that would allow the victim compensation following court-ordered forfeiture of the proceeds of unlawful activity. If passed, the Remedies for Organized Crime and Other Unlawful Activities Act will be the first legislation in Canada to use civil law to freeze, seize and forfeit the proceeds of unlawful activity.

The Prohibiting Profiting from Recounting Crimes Act illustrates that we are doing more. It is one more step we are taking to help victims of crime. The Prohibiting Profiting from Recounting Crimes Act is important and necessary legislation. If passed, it would take the profit out of crime by seizing the proceeds convicted criminals get from recounting their crimes in books, interviews and other media. The money seized would be placed into a

fund that would be available to the victims of crime and programs for victims.

In this bill the term "criminal" would apply to the following: anyone convicted of a serious criminal offence or serious property crime designated under this act; persons acting on a criminal's behalf, such as a spouse, partner, child and other related persons in the absence of evidence to the contrary; a corporation where the convicted person has substantial interests; and accused persons for the purposes of interim freeze orders.

The offence may be committed before or after enactment of this legislation. Property crimes may be added under the regulation.

An eligible criminal offence under the act would be defined as follows: committing or attempting to commit sexual assault with or without a weapon; threats to a third party to cause bodily harm; aggravated assault; a violent indictable offence with a sentence of five years or more in prison; and a serious property offence under the Criminal Code, as prescribed by regulation.

A contract would include any money paid to a convicted person before or after a conviction for the following: the literary or media description or recollection of the crime; the use of documents that may be related to the crime; an interview with the convicted person about his or her crime; an appearance on a television or radio show by the convicted person.

Under this bill a publisher, or any other party to a contract, and the criminal would be required to report the existence of a contract involving recounting a crime and provide a copy of the contract. Publishers would be fined up to \$50,000 for failure to provide that contract. In addition, directors and officers of media, publishing and other companies who contract with a criminal will be held personally liable for failing to report a contract.

Bill 69 would ensure that criminals do not profit from recollections of their crimes, but would not interfere with a publisher's ability to contract.

We would apply to the court to freeze and seize the proceeds payable to a convicted criminal for recounting crimes. This would also include any property purchased with the proceeds.

This bill is needed. It is thorough and builds on the existing legislation, the Victims' Right to Proceeds of Crime Act, by strengthening and enforcing mechanisms.

This is very valuable legislation, and at this time I'd like to ask all members of the Legislature to support this bill in full. I know some opposition members have said they would support it, but they seem to have had a lot of negative comments about it as well. However, I think it's good legislation and all members of this House should support this legislation.

**The Acting Speaker:** Comments and questions?

**Mr Curling:** As I listened to the member and his comments on Bill 69, I had hoped somehow he could be more expansive and give us more definition of what this bill is all about, because I don't think they're going deep enough.

One of the things I will be asking later on is if he could ask his Attorney General when he's making the regulations whether or not he could share that with us, so we can understand more what direction you're going to go with this. At times when we stand here in the Legislature and try to criticize or make some comment or input into legislation, we don't really know how far we can go, because no matter what suggestion we give, these regulations come afterwards.

One of the things I don't like about regulations is the talk about "trust me." So we get the legislation now, and later on the regulations say something differently or don't promise anything. The other aspect of it that bothers me is about this fund when these monies are being paid: they go into the consolidated fund. Somehow, it doesn't specifically say how it's going to be properly used. It talks, of course, about compensating some of the victims, but it seems there's a sort of vagueness there that somehow says money could be used otherwise. I'm not quite clear on that.

Maybe the member, in his comments, could tell me if that money will go directly to that victim or, as just talked about, victims on the whole, or some consolidated funds where the government has it in a pot and then uses it accordingly. That concerns me. And that's only one aspect of it. I'm just guessing what may be in the regulations. We always have to guess. But if this government is so open and so willing to compensate victims, let us see the regulations up front right away. Let us have proper debates about these things so we can have a better understanding of where they're going with this legislation.

**Ms Martel:** In response to the member from Simcoe North, I'd say that if I thought the bill was going to do something to aid victims, I'd support it. But the fact of the matter is there is a current law, which has been in place to do what the government purports it wants to do, for some many years now. We're not dealing with anything new here in terms of recouping money from criminals and making sure that money they get from their various activities of selling their story actually goes to victims. That law is in place now.

What worries me about what the government is doing is that I clearly believe the government is weakening the current law and so will afford not more but less protection to victims. That's why I took the time that I did to compare the two bills: Bill 69, the government bill before us today, and the bill that was put forward by one of the government's own in 1994. Clearly, in the sections that refer to payout of money from proceeds of crime, there is a weakening in the government bill.

The current law makes it an obligation, a responsibility, of the public guardian and trustee to make a payout. They "shall" make a payout. After they make an initial payout, if there are surplus funds, they "shall" make an additional payment to the victims.

The government bill is quite different. In the section of payments out of accounts, it says that the Minister of Finance "may" make payments out of the account for a



number of purposes, and if there is a surplus, some of that can be used to other purposes that are prescribed in the legislation. So the government can redirect the funds away from victims to something else. That's a weakening of the law, and that's why I can't support it.

**Mr Tilson:** To the member from Simcoe North, I agree with him, quite frankly, contrary to the member from Nickel Belt: the bill does strengthen the difficulties that victims have been having in this province. On the last point that was raised—and I can't repeat it enough—one of the comments she made was with respect to the excess monies. In other words, after certain monies are given to the victims under the current law, do you know where they go? They go back to the criminal. She's indicating that she's going to support the existing law and oppose the new law, and I can't believe that the New Democratic caucus is going to support the principle where those excess monies are going to go back to the criminal.

1720

This new piece of legislation, of course, does change the philosophy of the existing law. The American states have statutes based on a trust model, which is exactly what I believe the current law is. Australian funds are forwarded to a state agency which may distribute them to victims who have a civil judgment. Of course, the law that is being put forward by the government today supports the forfeiture type of philosophy. The philosophy that obviously was being used by the current system wasn't working. All members of the House have said that. We're putting forward, as the member for Simcoe North has stated, a new type of philosophy, which I believe will help victims. It goes further than that. It will deal, of course, with respect to producers of movies or others. It could affect those people as well if they don't follow this bill.

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Mr Caplan:** A question to the member for Simcoe North: do you know the story of Rubin Carter? Rubin Carter was a boxer in the state of Pennsylvania; he lived in Philadelphia. Rubin Carter was convicted of murder. Rubin Carter's name was Hurricane. He was a professional boxer.

**Mr Dunlop:** The movie, sure.

**Mr Caplan:** The movie *The Hurricane*. Rubin Carter wrote a book about his conviction. That book ended up in the hands of a young man here in the city of Toronto, who, along with others, helped to secure Mr Carter's release from jail and to overturn his wrongful conviction of a crime that he did not commit.

No one is suggesting that's the norm. Mr Carter's case is an extraordinary case. But what should give pause to all members of this Legislature is that had this particular direction been followed, Rubin Carter's story would never have been told. Rubin Carter would still be in jail today for a crime that he did not commit. I would ask the member for Simcoe North if that circumstance does not trouble him, if he does not find that worrying.

**The Acting Speaker:** The member for Simcoe North has two minutes to respond.

**Mr Dunlop:** I'd like to thank all the members who made comments here: the members for Nickel Belt, Scarborough-Rouge River, the PA from Dufferin-Peel-Wellington-Grey and the member for Don Valley East. I appreciate your comments.

To the member for Don Valley East, I wasn't familiar with the story of the Hurricane and I do appreciate it's a very extraordinary situation.

I just wanted to close by putting a few comments into Hansard about the terrorist attacks and the people who have been the victims of that crime, which is probably the greatest tragedy in modern history. I have to say to you all here that probably one of my proudest days of being a parliamentarian was when we returned on September 24 and we all in a non-partisan fashion paid respect to that terrible tragedy that occurred in the United States on September 11.

I just wanted to point out as well that the province is providing in that tragedy up to \$3 million to help Ontario victims and their families who were part of those terrorist attacks in the United States. So far, I understand that about 31 Ontario residents who are family members of the victims of that tragedy have requested assistance from this \$3-million allocation. The government has been in touch with all of the families and is working with them.

I also wanted to point out that a victims' response team has been established and is drawing on the skills and expertise of staff in the Office for Victims of Crime to coordinate the efforts to assist the families.

I wanted to add that to my comments, but in particular I'd like to ask everyone to support this, and I appreciate the opportunity to speak today.

**The Acting Speaker:** Further debate?

**Mr Curling:** If there is any bill that has come through this House that I think is of great importance it's this bill, Bill 69. It's a very important piece of legislation. Of course I will support this legislation. I think it's very, very limited in its outlay, and there is so much that could be done.

But we should first read what the bill says. The bill is an act to protect victims by prohibiting profiting from the recounting of crime. What we see in this bill is not what we're really going to get. What we should really be getting is compensation for people who have been subject to a criminal act itself. If we really start looking at people who should be compensated for some criminal act, we could go back in history and talk about the many criminal acts of racism that have been done to individuals, criminal acts of slavery that have been done. Even up to today, people are profiting—we are profiting, individuals are profiting, corporations are profiting—from these atrocities.

We are into another world war, as they would say, right now, and we are continuing to be see profit from the last world war from individuals who have been victims of criminal acts in that time.

Corporations around the world have profited enormously from these things. I recall, and you may recall too, that there was an incident that recently come to light again of individuals who were injected with syphilis for experiments and many of them died. If you look at it in the gross way, the morbid aspect of it, maybe the medical field learned something from it. But people were victims of that. People died, families died, because they were experimenting with the conditions these people could tolerate with syphilis. I think one gentleman is still alive from this experiment. Was he compensated? I'm not quite sure. Have corporations been profiting from it? Yes. The medical world today may be profiting from that. But has he been compensated? No.

I mentioned slavery and other things like that. There are books being written today. Movies are being made every day. All the movie corporations are making millions, trillions of dollars off that. Are people being compensated for all that? No. We haven't addressed that. But we sit today, and of course the immediacy of it all is to address crimes that are happening right in front of us. Sometimes bills are brought in front of us that say, "We should compensate those." But individuals continue to be violated by this sort of criminal act which has been done, and people are not being compensated.

Of course, sometimes we sit back and are entertained by these atrocities. Today, countries are being exploited by some criminal acts that continue, and they are not compensated. So when we sit down I would like my colleagues to think about this, read this legislation and say, "Are victims who were subjected to all these criminal acts being compensated?" Some may actually say to you or to me, "These happened so long ago." People from Ukraine are now being compensated by the Germans for criminal acts that were done years ago. They are being compensated for that today.

I'm saying the bill itself is quite limited—maybe not—but our debate on this is quite restricted and restrictive in its form. I hope that some of my colleagues, and I'm sure we have adequate time, will stand up and talk about how far this bill will go. It seems to me we're not addressing the full force of what compensation should be all about.

1730

There are individuals each day—you can read in the paper where institutions have been sexually abusing children for years—who found out what a criminal act this was, and now they are being compensated.

As I said, as I read this legislation, I have no great quarrel with it. I feel, yes, it is something we can start addressing, as I listen to my colleagues here and I find that we would like to hurry it through—I wouldn't say my colleagues; I would say that the government would like to hurry it through. I am sure there is a limit to the debate that will go on and this will not give justice to those who have been victimized by criminal acts, so that we can understand what we are dealing with, who we are dealing with, the suffering those individuals have had and how they should be compensated.

No, we won't go to that extent because what happens is that the limit, the time frame that is given to this legislation, will not allow us to do that. But in the short time, as individuals get up and speak, it is to look at those issues, to look at those issues of who should be compensated in that respect. Yes, those who are carrying out criminal acts—people who have been violated in many forms could of course be immediately compensated, and should be compensated.

We should look further, for people who are continuously being violated by racism. Racism is a criminal act. If it is found that someone is deprived of their economic opportunities, deprived of a job, deprived of rental accommodation, it's a criminal act and they should be compensated for that. I'm not quite sure if we want to go there. Should we? We should, because it doesn't make a better world for all of us if we perpetuate this thing that goes on and if those are not being compensated for.

Many of the mentally ill people today who have been experimented on—we have found cases in this country of those who have been experimented on for some sort of drugs against their will. I understand that there are individuals who were compensated, but there are many more who are now being forced—if people are forced against their will in situations like that, they should be compensated.

We should start looking and saying to ourselves, "Here is a piece of legislation that is extremely important." It's about justice. It's about fairness. It's about treating human beings as human beings and not exploiting individuals. And many people have been compensated for it.

Recently there was a conference in South Africa, you may recall, and the issue came up of compensation for slavery. In the debate that went on, as a matter of fact I wasn't too proud of how Canada exercised itself there. The fact is, though, it was raised and had to be debated, about how they would be compensated, those who have been subject to some criminal act that goes on for years. Today families and individuals are still suffering under some of those situations.

So I would say to us all, as you read it individually, look at it and find out if this is justice.

I want to spend a few moments on regulations and the way we deal with regulations in this House. I would hope that at one stage we would decide not to hide regulations around the back and put bills forward, because what you see is not what you get. You know the old saying: The proof of the pudding is in the eating. The regulations should tell us exactly what is happening so we could all read this and realize, "What are we getting here?"

If we could see how this legislation would be implemented, if we could see that, then we would understand the seriousness of this government—or any government—whether they want this law to be effective. Because many times there are millions and thousands of laws on the books that are not even instituted or implemented anyway. Sometimes they can't be enforced,



they're impossible to enforce because the regulations would tie you down.

But it would be nice—it would be right, not only nice—if we could have the regulations so we could debate them properly. If the real machine of the legislation, which is the regulations, were before us, we would then be able to say, "This legislation will be effective." Far too often we sit here as lawmakers not really making laws, just making a PR job that looks nice, without knowing what the bill would say.

No one can argue with An Act to protect victims by prohibiting profiting from recounting of crime; no one can argue with that. No one can argue in here except to say how limited it is, but we are guessing. We are guessing because we don't know if the legislation will carry it further to implement it, or the legislation will pull it back so it is not as forceful as it should be. It should be understood like that, that all the great speeches we make may be for naught if we don't know if it's workable.

To many of the victims out there who are saying, "At last this government has brought forward legislation to help us," I would say, alas, it may not be so, because the real proof of the legislation is in the regulation, but the regulation is hidden and we don't know about it. So it can be very ineffective. We sit here and we may be praising all the Attorneys General who have passed by and patted each other on the back, but we're not quite sure if the victims will be properly compensated.

As you walk down the street today, those who are without homes and those who need help are subject to some victimization. It is our responsibility as legislators and parliamentarians to find out how these people have been victimized and to assist and support them, because I'm telling you, the sometimes glib ways of corporations, the glib ways of some of the authorities to undermine the rights of individuals are just blatant at times and people are so distanced, unable to get their justice. My colleague Mr Caplan from Don Valley East spoke about the great boxer Hurricane Carter, who actually had to go through many terrible times in jail, when of course he had said he was innocent and to be compensated. We cannot even reach any kind of compensation to justify the mental abuse and the mental torment that this individual went through. We as legislators must start looking at that: that people who are recounting and profiting from crime are not just those individuals who we can point out easily in the papers, who have killed someone and have taken away someone who was a breadwinner of a family. Yes, of course that should be done, but there are more far-reaching aspects of this legislation that we could have.

I just hope that we will be able to spend some more time to raise those issues in detail. Before the end of the day or the end of the time of this legislation, before it sees royal assent, some amendments to that effect should be there so we can start seeing this limitation aspect of it. I'm not quite sure if I even read it right about limitations, but I don't think there are any limitations for suffering. As the suffering continues, the crime is happening. Individuals will be deprived because of acts today.

People are profiting today from crimes that were done, but we pass them by and we feel that is good enough. It's not good enough.

I just want to say this with emphasis: that sometimes when we speak about certain things, people say we have a chip on our shoulders. What was happening to the Jews and many other people in Germany should be compensated; what happened to the Japanese in Canada should be compensated; what happened to the Indians here should be compensated; what happened to those in institutions who have been raped and sexually abused should be compensated, because what happens is that even I profit from some of those abuses. Therefore, caught up in all of that we should look at how we can compensate those individuals. As a society, as a government, it is our responsibility to make sure that those who have been exploited in that way are looked after and compensated, because it's a greater burden on us.

#### 1740

That is why the jails are full. That is why mental institutions are full. We're not quite looking after them. We're not compensating them for some of the violations and the criminal acts that have been done to those individuals and citizens of our land. Charity begins here at home. Let us start here, looking out for people. Let us start looking at individuals who have been discriminated against, looking at many individuals who would need those kinds of help and support.

It would cost us far less than the price we're paying today for those individuals who are in institutions because they have been so violated mentally, physically and economically. We would be a better society and we'd be better human beings for it. We would make better laws if we did that. It starts here. It starts with us, who make the laws, but laws must protect those who are most vulnerable in our society.

I'm saying this law is limited. It can only be limited insofar as we go with it, or we can be very restrictive in what we are saying and what we are doing and make it limited and speak in a limited form. If we don't start looking that way, we will have all of these reactions in our society, people bursting out and doing awful, terrible things. And we try to understand it.

Of course, that's what happened in New York and Washington. It was awful, but we have to start looking at how we treat individuals in this world. What is happening? Is it more than just a few angry people breaking out like that or is it just an angry individual who is mentally sick who will go across the road and shoot someone just because they want to do that? Maybe. Maybe it's the way we treat each other. Maybe it's the way we compensate each other, how we look after each other, how we write laws, because sometimes laws here are so restricted, so narrow—only if we allow it to be that way.

When I read Bill 69, I said, "What a wonderful direction this government is going." But does the government have the gall—I think they do; sometimes they are very bold about things they do—to go forward

and make sure that when we compensate those victims of crime, we're looking at all people? Today in our society we have far too many people who have not been looked after, and yet we collect funds in all directions which we would like to have for a better world, but it's not getting any better.

In closing, I will support this legislation because I think it has great potential for where it can go. It's no use arguing about whether or not it's limited; it's what we do with it, what we do with this legislation and how we go forward with this legislation and how open we are to the regulations. I would say then that we have accomplished and are treating human beings in the way we should as legislators and are compensating people how we should be: not only from the pocket but from the heart and from everywhere else.

**The Acting Speaker:** Comments and questions?

**Ms Martel:** I appreciate the comments that were made by the member from Scarborough-Rouge River, and I want to focus particularly on the comments he made with respect to regulations, because it is clear in the government's Bill 69 that probably the most important part of this bill will be left to regulations. That is, what does the government do with any surplus—surplus, that is—with respect to proceeds or profits from criminal activities that are publicized, sold in books etc?

If we go back to section 9(3), the section entitled "Payments out of Account," it very clearly says that if the amount of money that is in the account that is to be paid out to victims is in a surplus position, then the government can use that money "for such other purposes as are prescribed by the regulations."

My read of that particular section clearly contradicts what I believe the Attorney General said earlier, which was to assure everyone that any surplus money that was realized through this process would indeed go to victims. Clearly, in this section, wide discretion is now permitted to the government, who in fact, under this section, does not have to give any surplus money to victims, but can divert those very same monies to other purposes. The legislation doesn't even describe those other purposes to be related to services for victims. Clearly, the government can use these funds for any purpose.

If the government was clearly intent on ensuring that every single penny went to victims, they would have that in this bill; they would not have this section where, by regulation, they will be able to divert money for other purposes.

**Mr Tilson:** A few remarks in response to the member from Scarborough-Rouge River: he gave an interesting speech with respect to all victims, and I think we all sympathize with the problems that all victims have.

This bill, of course, as he knows and other members of the House know, deals specifically with where a criminal has written a book, has made a movie or has given an interview for profit and has received monies, to the detriment of victims. This bill, if it's passed, says, "You can't do that; the state is not going to allow you to do that. We're going to take that money, and we're going to

give it back to the victims." I think he and others, hopefully the majority of this House, will agree with that.

He did query what sorts of crimes the bill would apply to. The bill is quite clear: it includes an indictable offence under the Criminal Code for which the maximum punishment is imprisonment for five years or more, and which involves the use or attempted use of violence or conduct that endangers or is likely to endanger the life or safety of a person, or cause severe psychological damage. It includes an offence under a number of sections of the Criminal Code: sexual assault, sexual assault with a weapon, threats to third parties and so on. So there are specific offences that this bill applies to.

My friend keeps bringing up the issue of regulations, and somewhere along the line, whether it's here or in committee, I'd like to have some debates on that. Because the Liberal government never did it that way, the New Democratic Party never did it that way; there isn't a government in this country that has done it that way. Legislators can't come back to the House every time a regulation needs to be changed. It would be pandemonium in here. We'd never get anything done, no matter who's in office.

**M. Lalonde:** Je dois féliciter mon collègue de Scarborough-Rouge River.

Trop souvent, nous sommes victimes de criminels, et je crois que, tel que mentionné par le député de Scarborough-Rouge River, cette loi va définitivement renforcer la protection de personnes victimes de criminels. Trop souvent, la loi sur les droits de la personne est mal interprétée. Puis je vois aussi pourquoi dans cette loi l'on réfère très souvent à « peut » au lieu de « doit »—le mot "must"—and "should" or "shall" are used very often in this bill. It is to leave to the judge, really, the flexibility to recognize a person who has been arrested and finally has been found not guilty that the judge would use the word "shall" instead of "must."

Donc, c'est la raison que je peux voir comme mon collègue de Scarborough-Rouge River, qui est très conscient de ce projet de loi lui-même, qu'il est très fort sur la protection des personnes ici même dans la grande ville de Toronto.

Lorsqu'on regarde à la fine pointe de ce projet de loi, je crois que même s'il laisse à désirer à quelques endroits, c'est un pas dans la bonne direction. Je crois que tous les membres de cette Assemblée devraient supporter le projet de loi. S'il y a lieu de revenir avec des amendements plus tard, qu'on le fasse, mais en premier lieu, on doit regarder à la protection des citoyens et citoyennes de cette province.

1750

**Mr Martin:** I found the comments of the member for Scarborough-Rouge River quite interesting and, I think, relevant, given that there really isn't a whole lot one can debate re this bill that wasn't put on the record back in 1994 when the bill put forward by Mr Jackson, now a cabinet minister in this government, was debated, that would add anything of a positive nature to the bill. Certainly there are a few things we could talk about,



particularly in terms of challenging where the money that will be generated by this will ultimately go.

I think the member for Scarborough-Rouge River, in his usual way, has challenged us to stretch what I think is another hot-button issue put on the table by this government in a time of some confusion on their part as to exactly where they want to go and how they might capture the imagination of the people out there, particularly recognizing that we have some difficult economic times ahead of us, so getting a few shots in early is probably in keeping with their style.

The member for Scarborough-Rouge River reminds us that you can't pick and choose when it comes to which victims you want to give money to and recognize they have been wronged etc. When you get into this area, there is a whole lot of information you have to look at, a whole lot of things you have to consider and groups of people who have been victimized over the years who, in some instances, have been looked after and recognized but, in many instances, have not. I think it's important and what he had to say was very important, and we should all think about that.

**The Acting Speaker:** The member for Scarborough-Rouge River has two minutes to respond.

**Mr Curling:** I thank the members for Nickel Belt, Dufferin-Peel-Wellington-Grey, Glengarry-Prescott-Russell and Sault Ste Marie for their comments and their support and their generous way of trying to understand some of the things I was trying to say.

I was slightly disappointed in the member from Dufferin-Peel, who acknowledged the fact that the bill is limited and that's the way it has to go. It seems to me this is a government in a hurry to do something without

thinking it through properly, as I said, making it a very limited bill.

He stated that other governments have never brought regulations here to be debated, so therefore he's right. I'm saying that all of us are wrong, then. Where is he going to go and hide in that respect? We would like to see the regulations. The more limited the legislation is, the more we want to see the regulations. If he doesn't want to bring the regulations forward, then what he should do is make more expansive the understanding of the legislation.

Having said all that, let us, in our own thoughts, think about whom we should be compensating. The member from Sault Ste Marie put it well. We can't pick and choose whom we would like to compensate, and that's what we're going to do. If we are legislators and we talk about compensation for those who have been victims of crime, let us look at it all. I think now is the time, because there will be no other time. It took so many times and so many efforts to bring this legislation forward. Even when it was brought forward, it was sunk into the back alley and never saw the light of day again until now. And when it did come forward, it was quite limited.

I am saying to members, thank you for your comments, but let us start thinking beyond how limited this legislation is.

**The Acting Speaker:** The hour hand approaches 6, and the minute hand approaches 12. Therefore this House stands adjourned until 6:45.

*The House adjourned at 1755.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon / L'hon Gary Carr

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Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Flamborough-Aldershot		Hamilton Mountain	Bountrogianni, Marie (L)
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Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston et les îles	
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		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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## Legislative Assembly of Ontario

Second Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 10 October 2001

Mercredi 10 octobre 2001



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 10 October 2001

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 10 octobre 2001

*The House met at 1845.*

## ORDERS OF THE DAY

### STUDENT PROTECTION ACT, 2001

#### LOI DE 2001

#### SUR LA PROTECTION DES ÉLÈVES

Resuming the debate adjourned on October 4, 2001, on the motion for second reading of Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students / Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.

**The Acting Speaker (Mr Bert Johnson):** The Chair recognizes the member for Renfrew-Nipissing—and something else.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** Can we agree that since we've got electoral district names that no sane person could ever remember and repeat in a timely way, the Chairs will just take the first part of this bus route nomenclature that we have and leave it at that? I'm happy to be introduced as the member from Renfrew. Thank you, Mr Speaker.

*Interjection.*

**Mr Conway:** Who can remember it all? So let's just not torture ourselves with things that are not likely to be remembered or important.

I rise to support Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students, which act stands in the name of our friend and colleague the Minister of Education. As a former Minister of Education, I am pleased to have an opportunity tonight to say a few things about legislation that, in its core principle, is eminently supportable. In fact, it might be asked how come it has taken so long for this Legislature to come to this enactment.

The legislation, as has been indicated, reflects the very good work of Mr Justice Robins, done for the provincial government a year or so ago, and speaks to an issue that is of evident concern to all members of this Legislature and I believe to all citizens of Ontario, and that is the obvious need to protect students, while they're in a school or educational setting, from sexual abuse.

I can remember circumstances, now 15 years ago, when I was the Minister of Education, where I would on

a monthly basis be asked by my officials to sit down and review files of cases where teachers who had been convicted of what under this legislation would be considered professional misconduct, and under that old scheme ministers were required to then decertify those teachers on the recommendation of a number of advisory panels. What I remember about those cases—not all of them, because as Chaucer so eloquently reminded us all in that great work, the *Canterbury Tales*, “The parade of humanity is indeed a varied and mixed parade”; we have the virtuous and the not-so-virtuous. In a school system where you have tens of thousands of teachers, it has to be expected that not everyone is going to behave in ways that we would all like, just as in this Legislature from time to time people will make mistakes—and misbehave, I should add.

What I remember about some of those cases in my tenure at the Department of Education was just, what would possibly explain a sexual predator carrying on as that individual did for months and years without somebody blowing the whistle, because you knew that people knew; not everyone, necessarily, but certainly by the time it got to the minister's desk—I think of one tragic case in northwestern Ontario, a case that was just unbelievable. It was the sort of thing where, if you saw it on 60 Minutes with Mike Wallace on Sunday night network television, you'd say to yourself, “God, how could this happen?” This happened in a very nice community, a relatively small community, in northern Ontario. I remember thinking to myself, “Tell me that most people didn't know.” I guess I should rephrase that: I remember looking at that file and saying to myself, “I have to believe that most people in this community knew,” because it had gone on for 25 years—predation of the most outrageous kind, involving, actually, someone not just with responsibilities at the school, but someone with responsibilities of some note in the community.

**1850**

There has been, I'm sure, some talk in earlier aspects of this debate about the case in Sault Ste Marie. I don't want to get into the details of that, but in that particular case there appeared to have been assaults involving 12 or 13 students over a 21-year period. Those are apparently the ones that were reported and complained of; there may have been other ones.

I grew up in a small town in the Ottawa Valley, and you sort of say to yourself, “I know the world has changed.” There was a time when we all found it very, very difficult to deal with this kind of question. Mr



Speaker, you've served on a school board, as I understand it. I haven't. The old way of dealing with this was you just passed those people along. There would be an agreement to take Charlie, or whomever, and say, "We will quietly let you resign and leave the community, or leave the school district," and on that person went to another jurisdiction, maybe far away, maybe not so far away. That's the way it was dealt with.

As I say, in some of the cases that I remember, I was just astonished at the extent to which the misconduct went on. Good people, you had to know, knew but just couldn't bring themselves to do anything about it. The Sault Ste Marie case—my friend from Sault Ste Marie is not here tonight—is fairly—I say "fairly"—recent, from 1972 to 1993. But there were multiple aspects to that particular case. I think the legislation is quite good in the kinds of sanctions and protections it provides, because it does contemplate an end to the passing-the-buck strategy that was so commonly employed for so many years.

Beyond the legislation, I do think there is an obligation for all of us as citizens, as co-workers, as school board authorities, to make sure that in a vigilant and in a reasonable way we, in other aspects of our conduct and behaviour, take necessary steps to protect vulnerable children. I say "reasonable" because there is another side to this argument. Allegations of sexual misconduct or predation, if untrue, if unfounded, can, as we all know, have a devastating effect on the innocent party so wrongly accused, and there is a balance to be struck.

But we are, after all, talking about young people who, while they're at school, are in positions where we expect their superiors will properly discharge the trust that we as a community vest in those people, whether they are teachers, supervisors, principals or whatever. Again I don't want to make too much of it, but what was astonishing to me was the extent to which some of these horrible characters were allowed to carry on when you just knew that people did know. I guess it's easy for me to be a bit judgmental. I sometimes think, you know, even in this place, what would we do if we thought somebody was up to bad behaviour, not necessarily of a sexual kind, but there is a great temptation in all of us to just stand back and not get involved. That was certainly the attitude around schools on this subject.

I commend the minister for bringing forward the legislation. I want to say what some of my other colleagues have said, and I have to believe all members agree: if protection of students from sexual abuse is, as we believe it to be, a right and proper thing to do, then surely we want to provide that protection for all students in school in Ontario.

This is not the time for me to debate the Jim Flaherty program to fund private schools, but it is an allied government policy that clearly has a relationship to Bill 101. More than ever I think that policy is very dangerous and wrong-headed. That's my view, and I understand that there are people who differ with me. But if protecting young people from sexual predators in the school system is a good thing to do—and we, I think to a person, agree

that it is a good thing to do—why on earth should that protection not attach to young boys and girls, young men and women, who are going to go in increasing numbers to private schools? There has been in recent weeks an example of sexual abuse at Canada's premier private school, not that many blocks north of us in this capital city.

Would any of you feel comfortable if you were to walk out here tonight and meet the parent of someone in that situation and try to explain to that parent why this protection, rightly contained in Bill 101, applies to public school A or separate school B but doesn't apply to the growing scores of private and independent schools in the province? Is the sexual abuse of young people in a private or independent school different in character or consequence than sexual abuse in a publicly funded school? Surely none of us would argue that case. So, keeping in mind that the core principle of Bill 101 is protection of young people from sexual predators in schools, what is the argument for the exemption so flagrantly contained in Bill 101?

I hope someone in the questions and comments period afterward can answer that question. I think we owe it to the broad public, and particularly the government owes it to the public of Ontario in 2001, to answer that question because I have to tell you—and I don't say this with, I hope, any partisan animus—on this private school initiative of yours, this is but the first of several truly difficult and troubling questions that you're going to have to answer as this policy moves forward.

**1900**

I've always said that if we're going to change the character of education in Ontario in significant ways, we owe it to the public to tell them beforehand that we contemplate significant change and departure. I want to say to fair-minded people on the government bench tonight that this private school policy is a Trojan horse with a bellyful of truly vexatious and troubling questions and consequences—and this is a good one. I'd like an answer because I want to commend you, and particularly the minister. Bill 101 is a good policy initiative, and I have to think we'll all stand as one to support it. But it is glaringly imperfect because it exempts, and it will exempt, a growing class of Ontario students from something that we want to fix, that we want to protect them against.

I need some help and I need an answer for those parents who, God forbid that they should have a child exposed to sexual abuse in one of these private schools, might ask me some day, "Where were you and where was the protection on something so basic and so fundamental? What was the reason? What was the cause for not providing this protection to all students in the province of Ontario?"

As I resume my seat, let me say one final time: good work by the minister and congratulations to the government, but there is a glaring deficiency and an imperfection. If I don't get an amendment to fix that problem, what I'd like tonight from the several people on the government benches is a clear and understandable answer

to why that protection should not apply to the boys and girls who will be attending, in presumably larger numbers now than before, private and independent schools.

**The Acting Speaker:** Comments and questions?

**Mr Tony Martin (Sault Ste Marie):** I want to commend the member from Renfrew—and I won't go down the list of other communities, however important, which he represents but which he suggests we in this place don't need to torture ourselves in trying to remember—for his speaking on this very important bill here before us this evening.

He's been around this place long enough to understand some of the very complicated issues surrounding the reason for this bill being in front of us today and how that affected the community I represent in such a terrible and difficult way over a long period of time, particularly over the last 10 years, as the reality of what was going on came to the surface, and those who finally and ultimately had the intestinal fortitude to do the right thing brought it forward, and the fact that our community is still scarred by that. This is something that isn't particular to Sault Ste Marie, but has happened across the province time and time again. It's time that we as legislators took our responsibility seriously and began to grapple with some of those issues, to listen to some of the people who have come to the table to put together this response. Justice Robins, the Ontario College of Teachers and the Ontario Teachers' Federation need to be commended for having taken this bull by the horns. I think the comments of the member for Renfrew will add, as well, to us coming up with something that will at least take us some distance toward correcting this.

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to rise this evening and listen to the comments made by the member from Renfrew, who speaks so eloquently every time he stands and talks about any of the particular bills he may refer to.

One of the comments he made earlier was on independent schools, about people who do not employ certified teachers and the fact that they may not be covered under this legislation, and that's a very good point. I want to bring a couple of points forward on that, if I could.

First of all, I want to point out that the legislation extends today in its current form to certified teachers, regardless of who employs them. School boards which are publicly funded today are required to employ certified teachers. The legislation before us tonight applies to all teachers who are under the jurisdiction of publicly funded schools. As was said earlier, some independent schools do not currently employ certified teachers. The current consultations that are underway on the education tax credit will look at options on this particular issue.

I just wanted to point out as well that the Child and Family Services Act obligates teachers and other professionals who work with children to report a child who is or may be in need of protection directly to the local children's aid society.

I wanted to point out as well that at the end of this particular evening, we hope to refer this to the justice and social policy committee so we may in fact have some further debate and some further possible amendments on this. But at this point, I support what we see in front of us. I do compliment the member from Renfrew for his comments and look forward to further debate this evening.

**Ms Shelley Martel (Nickel Belt):** I want to commend the member from Renfrew for his remarks, particularly for pointing out the discrepancy or the double standard which now exists in this legislation, which I truly hope the government is going to address through the public hearings and the clause-by-clause process.

The minister, in her remarks, said a couple of things: "The legislation we are addressing today has one overriding objective: the Student Protection Act's purpose is to ensure that students in Ontario schools can be more effectively protected from sexual abuse and sexual misconduct." Another part of her remarks: "Protecting our children is essential. As individuals, as legislators, as teachers, as parents, we all have a responsibility to do what we can to prevent sexual abuse and to keep our children safe."

If that is the case, then it begs the question: what about those students who attend private or independent schools where the teachers are not certified? Should they not be afforded the same protection? The answer is, of course they should. Of course they should.

If the government is truly intent on protecting kids, and I have to believe that is their intention, given the referral to Judge Robins and the work that has gone on in consultation with the teachers' federations to arrive at this point, then the government cannot continue to exclude private and independent schools where those teachers may not be certified. Those kids in those classrooms in those schools deserve protection. Their parents have a right to know that their children are going to be safe from exploitation when they attend those schools.

We cannot continue to have the law that is before us contain such a double standard, because it will truly undermine whatever the commitment of the government is to protecting kids. So I encourage the government to amend this legislation to include these students too.

**The Acting Speaker:** Comments and questions?

The member from Nipissing-Renfrew. I'm sorry, the member for Renfrew.

**Mr Conway:** Be careful with that one, because there's another guy here from Nipissing who might take some offence, quite properly, to my being assigned that moniker.

Listen, I just want to make the observation that I'm fully aware, I say to the member from Simcoe, that a number of private and independent schools have in their employ qualified or certified teachers. I realize that the bill does apply to those teachers who are members of the Ontario College of Teachers. But as Ms Martel just said, we also know that a goodly number of the teachers in the private and independent schools are not certified.



1910

I will say this about the Flaherty amendment: the Flaherty amendment, rightly opposed by Janet Ecker, is going to produce growth in that part of the private school movement where there is going to be a lot more interest in hiring non-certified teachers. We're opening the door in ways that we do not understand, and a generation from now people are going to look back at the little amendment that grew into a miasma of trouble. It will have looked like such a small step in the budget of 2001.

But I repeat, the thing that troubles me so much about the Flaherty amendment to public schools, the opening of the door to private schools, in the way he's designed it, is that he is going to encourage, I think, a rapid growth of private schools, the character of which is going to be such that there will be a significant increase in the number of uncertified teachers. Oh God, what a mess we are about to fall headlong into. Bill 101 reminds us, in that one singular imperfection, of what trouble lies before us.

**The Acting Speaker:** Further debate?

**Mr Martin:** I appreciate the opportunity tonight to put some thoughts on the record re this very important piece of work that we undertake here. In light of the very real experience in my own community and in light of similar experiences in many communities across this province for quite some time, it's in fact good that we're here doing this, this evening. We're responding to an inquiry by Justice Robins, called for by the Ministry of Education, which was reviewed by the Ontario College of Teachers, and then consultation was done with several other groups which have some interest in making sure that what we do here captures in some serious and effective way the need to be ever vigilant where the issue of the sexual abuse of students is concerned.

I say that, however, wanting to put it in context because what we have here, in my mind, however good, is simply but a step in the right direction. It isn't everything. I'll refer to some concern that still continues to be raised in my community from time to time when this issue is brought forward or put on the table, that we need to be all-inclusive when we consider the issue of abuse and sexual abuse, particularly where it concerns our children in communities. There are all kinds of opportunities, it seems, for predators to get into systems and take advantage of opportunities and situations to perpetrate this violence on people who oftentimes are under their care or supervision or are being looked after by them in one way or another.

This bill certainly goes a distance in asserting the need for school systems to take seriously the possibility, the reality that this has happened, is happening and will continue to happen, and that we who know better, we who find ourselves in positions of responsibility, we who find ourselves with the knowledge that something untoward is happening or has the potential to happen, need to report that. It was my understanding that whenever an adult discovered there was abuse happening where children were concerned, the law already existed in this province that called on them to report that abuse,

and that if they didn't report that abuse, they were liable to prosecution and various forms of punishment.

This takes that reality and places it squarely in the lap of the education system and puts in place some particular requirements of teachers and responsible officials in school boards to take proper action. However, it doesn't recognize in any significant way the fact that child abuse goes on across a community, or has the potential to happen in almost every circumstance where children congregate or are under the supervision or direction of adults, and needs to be responded to.

Our community for a long time, as we became aware more and more of the terrible circumstance that has now become known as the DeLuca affair across this province, and I suggest probably across this country, realized that there was a systemic problem in the community, that there was a systemic problem across all communities that needed to be addressed.

We called on the government at that time to hold a full and comprehensive public inquiry into how this happened, how it was allowed to continue to happen, why it was in almost every instance in our community that people in positions of leadership, showing tremendous accountability and responsibility, living up to all kinds of very high standards of moral and ethical conduct, would have found themselves in a position to not report this or not deal with it in an effective way, and to have simply moved this person from school to school, thinking that it was going to go away, that it wouldn't happen any more and that they had lived up to the responsibility they had.

There are still many people across this province, in my community in particular, asking those questions. How did this happen? Why did it happen? What was it in the culture of our community and communities that allowed this kind of irresponsibility, of perhaps passing on responsibility, of perhaps ducking responsibility or maybe in all good conscience doing what they thought at that time was the right thing to do, recognizing now themselves, I'm sure, that in fact it wasn't? What is it that we put in place that captures that? That's the question many in my community and indeed I believe across this province have. I dare say this bill, however good and well-meaning and important, does not capture that.

I read for you just a brief comment from the Sault Star in my community, which covered this whole fiasco in some detail and with some vigour over the months and years that it unfolded, to share with you that even up to the end, and after all the legal dealings were done and finished with, it was felt very strongly that we still needed the government to call a full and public inquiry.

**1920**

In an editorial in the Sault Star back in the 1990s, it says at the bottom, "Sault MPP Tony Martin, a former trustee on the separate board, must vigorously pursue the government to call the inquiry his constituency demands. Our children need protection, but we can't be confident of their safety until we know what went wrong and how to stop it from ever happening again."

I suggest to you that the government in time, after being asked over and over again by myself and Bud Wildman, the member for Algoma, and so many other good people in our community, finally came to their senses and asked Justice Robins to come in and do an inquiry, and he did an excellent job. As a matter of fact, in speaking to many of the people who had some very real concerns and who were very close to this issue, some of the families of the victims and some of the people who counselled the victims suggested that the report by Robins was comprehensive, detailing so many of the circumstances and situations that these young people found themselves in, so that we might understand more fully how this happened and exactly what happened.

The recommendations he made, being so comprehensive and all-inclusive, were also hailed as very good, and he did an excellent job. But they still felt that a fuller public inquiry was necessary, an opportunity for some of the people who didn't ever get to tell their story, some of the people out there who had concern for not only the victims in this instance but for victims of abuse across this province, to ask questions of some of the people involved here, so they might get a fuller understanding of exactly what happened. At the end of the day, we as a community would have felt like we had had that opportunity collectively to struggle with and deal with and confront each other with the very difficult questions that still hang out there today. You run into people across our community who wonder what happened, how it happened, why it was that some people didn't report, why it was that the perpetrator got moved around as much as he did and what it was systemically within that community—and I suggest is probably continuing within most communities in Ontario and Canada today—that did not allow for an immediate response and trusting of those children when they came forward to report, such that this could be dealt with more quickly and effectively and the abuse could be stopped more readily and that the list of those abused might have been less in the long run.

I know that this bill, when it's passed, particularly when it is then taken and shared with the stakeholders across this province in education, and hopefully studied in great detail, will go a distance to impress upon teachers and others responsible in the education system how important it is that they do the right thing, and that if they're going to err, they err on the side of believing students when they come to report that something untoward is happening.

Having said that, and putting those two things together, I would hope that this government would agree with us to take this bill out to committee so that we might hear from others out there who may have some concern, as I do, that this bill doesn't in fact go far enough, doesn't take in enough of the problem that we have out there, doesn't deal with, in any effective way, so many other circumstances that young people find themselves in, whether it be a church group, a fraternal organization or a recreational group, Boy Scouts or summer camps where young people find themselves under the super-

vision of some adult or adults who would take advantage of that opportunity to abuse them.

I brought a bill forward a few months ago for this House to consider in response to this very difficult circumstance in my community. I consulted with a whole lot of people, particularly those mandated by all of us to concern themselves about abused children, the children's aid society. They suggested we needed legislation that would not only take in the school systems but all other systems in the community that from time to time find themselves having supervisory responsibility for children such that if anything untoward is happening, it would get reported and investigated. I don't see that in this bill, although I wait and will be listening attentively to others as they present, and as we have this discussion and this debate about this bill, to see if it is captured in here somewhere.

But when we looked at the Robins report and tried to respond to some of the references to the shortcomings of that organization in this instance, the children's aid society said to me that they don't have the power they need to go in and properly investigate a situation of abuse once it's reported and to be able to share that information with other supervisory or responsible individuals so that a proper response can be made quickly and perhaps, in some instances, nip some of these things in the bud before they actually find themselves before the courts.

It would be important for us, in committee, to hear from groups such as the children's aid society so that they might tell us what we need to put in here to cover the concerns they have, flowing out of some of the findings and the recommendations of the Robins report. It would be good if we did that. Hopefully the government, in bringing this legislation forward in the first place, is serious about getting to the bottom of this very difficult problem.

I would also hope that in doing that the government will take this out to committee, perhaps as they did with my bill—I appreciate the co-operation of members of all parties in this House in that instance to take it out to some of the communities where abuse has taken place, and there are a lot more, I'll tell you, than just Sault Ste Marie; as I said a few minutes ago, it's a lot wider than just in the education system that this is happening—that we would take it out there so that people in those institutions or people who have concern or responsibility for those institutions, so that people in communities where this kind of thing has happened or has the potential to continue to happen, will have a chance to come and make their deputations to us, so that we will be confident in the end that we have legislation that will actually do what Judge Robins calls on us to do in exercising our responsibility, but that you'll also be open to amendment, that you'll be open to good recommendations from people out there who very sincerely and seriously want to be engaged in this discussion and will have for us some excellent recommendations, either from their own experience, from their own study or from being connected in some way, whether directly or indirectly, with those



caught up in this very difficult circumstance that we address here this evening.

1930

In closing, I simply want to say that I think this is good, as far as it goes, and we'll certainly support moving it through to the next level of public consultation. I would hope that the government—given that it doesn't cover, in my view, a wide enough realm in terms of who it is targeted at—will go out to a committee for public consultation, in recognizing the very valuable information shared with me by children's aid societies in my own community—and invariably then connected with the Ontario Association of Children's Aid Societies, from children's aid societies across this province—that they think needs to be responded to and dealt with, if they're going to be able to do what is called for from them, both in the Robins report, if this is going to be stopped in any significant or important way, and also in doing their part in making sure this bill is one that takes a big leap forward in stopping the number of, the severity of and the sometimes long-time, enduring abuse of children that happens too often in this province and this country and in circumstances that we, as a community, should be more vigilant in protecting and making sure these things do not happen.

**The Acting Speaker:** Comments and questions?

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** It is certainly a pleasure for me to comment on Bill 101, and I shall read the title of the act, which is An Act to protect students from sexual abuse and to otherwise provide for the protection of students.

I too agree with the previous speakers from Sault Ste Marie and Renfrew-Nipissing-Pembroke. When we're talking about students, we're talking about students in northern Ontario, central Ontario, Toronto, and certainly southwestern Ontario, whether in a public, separate, independent or private school. I personally happen to believe that all students need to be protected. The member from Sault Ste Marie says the bill should go to committee, and he's probably right. This is the first reading of the bill; it's a blueprint. Amendments can be made.

I certainly do believe that when we're talking about students, there should be no double standards; that all the students in Ontario should be protected. I think there are lessons to be learned when we looked at the Mount Cashels, the residential schools, the Cornwalls of the world.

I don't want to dwell on any particular subject matter or individuals, but there's a common thread with regard to sexual abuse of young people. It's not just a blue-collar-worker crime; it's a white-collar crime also. There is no doubt that we seem to be able to point the finger at certain individuals, but we seem to have difficulty dealing with the issue when we have responsible people in certain communities committing the act. I believe that this bill should protect all students in all schools in Ontario.

**Mr Conway:** I just want to say a couple of things. I really appreciated the previous speaker's remarks, our

friend from Lambton. The member from Sault Ste Marie makes a very good speech, and I can't imagine what it must have been like, as he described it in his remarks, being around Sault Ste Marie and the case to which he's been making reference unfolded.

I said in my remarks, and I just want to come back to it because this case reminds us: it's just really amazing, isn't it, particularly in these bad cases? We talk about the Sault Ste Marie case—again, not to pick on northern Ontario; those of us who are in southeastern Ontario, not all of them are school cases, but in terms of sexual abuse cases I think of one my best friends, now deceased, who had kids tangled up in that awful mess at St George's Anglican choir school in Kingston, and the stories about Prescott. A prettier town in Ontario you wouldn't find than Prescott, and we find in that beautiful little town just unbelievable activity, unbelievable stuff. Again, when you think about the horrors involving the St George's situation in Kingston—boy, talk about upstairs. Some people would be inclined to think there is a socioeconomic element to this and it could only happen in certain places and certain sectors. Boy, the Kingston and Prescott cases in eastern Ontario make it plain: upstairs, downstairs, it is a social evil that knows no restriction, apparently.

As our friend from Sault Ste Marie reminds us, how does this stuff happen? What does it say about leadership in the community, in the institutions? By God, we'd better do a better job of making sure that young people particularly are better protected in the future. I hope that Bill 101, and I believe that Bill 101, goes a measure to do that.

**Ms Martel:** I want to commend my colleague from Sault Ste Marie and say two things in response. Number one, the minister talked about this bill as being introduced as part of the government's response to the recommendations made by Justice Robins. She also said, "Members here in the chamber may recall that Justice Robins's appointment to study this issue followed the 1996 conviction of a former Sault Ste Marie teacher who had sexually assaulted several students over a period of 20 years." I wish that the minister had gone one step further and said that we have reached this point because the two local members who were involved made what was a very difficult issue in their community a public issue in this place.

In the fall of 1996, I remember my colleagues Mr Wildman and Mr Martin, who brought forward a petition that had been signed by 10,000 people in the Soo calling on the government to have an immediate inquiry into this sexual abuse case. From 1996 until the government finally called the inquiry, these two members repeatedly called on the government to do just that, to get to the bottom of this terrible issue so we could try to ensure that it would never happen again. I clearly think that we are here today dealing with this bill because of the work of those two members to make what was a terrible issue in their community a public one that we all have been forced to respond to.

Secondly, the government has to amend the legislation. We cannot only protect certain students in certain schools from certain teachers in this province. If the government is clearly committed to protecting all of the students, as the minister said she was, then this bill has to apply to uncertified teachers too, in independent and private schools. Think about the time our kids spend in classrooms, their roles and their attachment to the authority figures who are in those school systems. Recognize that we need to be sure that all our students are safe from sexual predators in our classrooms.

**Mr John O'Toole (Durham):** I just want to be on the record, first, paying my respects to the remarks made by the member from Sault Ste Marie. You could veritably sense his passion for the topic and for reaching a conclusion. I can assure him that from my perspective in anything I've heard, the government has taken the Justice Robins report very seriously. That in some respect is in part due to your efforts to not make the issue go away.

It's important to look at three fundamental parts of the bill which I think are absolutely critical. Section 2 of the bill would add a clear definition of sexual abuse to the Ontario College of Teachers Act. I think it's important to define exactly what the scope is referring to. Section 3 of the bill would require that professional misconduct, as defined under the act, includes sexual abuse.

An important section amending another piece of legislation would be section 43.2, requiring an employer of a member of the Ontario College of Teachers to report to the college where the employer terminates the member's employment or restricts the member's duty. In other words, if they suspect someone or somehow there's a termination, there is a formal requirement to report. That adds the element of accountability to the board, so it's not just swept under the carpet, so to speak. Where a report has been made, there's a requirement of the registrar of the college to report back, so there would be some decision made on the individual and/or the behaviour. I would say that there's another important part which would require the employer to report to the college when employers become aware of a member who has been charged or convicted for an offence under the Criminal Code.

It's very important, whether it's someone coming into the profession or leaving the profession, that there's closure. I think an important requirement here is under section 7: someone making an adverse report about another member of the federation respecting sexual abuse is

immune from disclosing that information and is not to be named—

**The Acting Speaker:** The member's time has expired. The member for Sault Ste Marie has two minutes to respond.

**Mr Martin:** I want to thank the members from Lambton-Kent-Middlesex, Renfrew and Durham for participating in this discussion this evening. We certainly need their participation, and we need the participation of a lot of people around this province if we're going to find a piece of legislation or a response that's going to work. This issue is communal in nature, and if we're going to deal with it in any effective way that will be all-encompassing and long-serving, we need to get to the nub of a culture that supports and protects, and in fact in some weird ways fosters, the possibility of children being abused.

The other thing I want to say is that this is not just about students and shouldn't be just about students. It should be about children; it should be about protecting all children in circumstances—because from what I understand, in the home there is effective and fulsome legislation, but for children who find themselves in groups overseen by adults, whether it's in church or in school or other organizations throughout the community, there should be legislation that protects them, gives parents the assurance that when they let their kids go to these events, they are in fact safe and protected.

In closing, I would ask the government to be open to the possibility of broadening the scope of this legislation and to take it across the province so that we can hear experiences and suggestions from people in every corner of this province, and that they might be able to participate in this very important exercise. I also plead with the government to be willing, in having had these discussions, to make amendments.

**The Acting Speaker:** On October 3, Mrs Ecker moved second reading of Bill 101. Is it the pleasure of the House that the motion carry? It is carried.

Pursuant to the order of the House earlier today, this bill stands referred to the justice and social policy committee.

**Hon Dan Newman (Minister of Northern Development and Mines):** I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? It is carried.

This House stands adjourned until 10 o'clock tomorrow.

*The House adjourned at 1943.*



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Deuxième session, 37<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

# **Journal des débats (Hansard)**

**Thursday 11 October 2001**

**Jeudi 11 octobre 2001**

**Speaker**  
Honourable Gary Carr

**Clerk**  
Claude L. DesRosiers

**Président**  
L'honorable Gary Carr

**Greffier**  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 11 October 2001

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 11 octobre 2001

*The House met at 1000.*

*Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### SAFE DRINKING WATER ACT, 2001

#### LOI DE 2001 SUR L'EAU POTABLE SAINTE

Ms Churley moved second reading of the following bill:

Bill 3, An Act to restore public confidence in the quality of drinking water in Ontario / *Projet de loi 3, Loi visant à rétablir la confiance publique dans la qualité de l'eau potable en Ontario.*

**The Deputy Speaker (Mr Michael A. Brown):** The member has up to 10 minutes for her presentation.

**Ms Marilyn Churley (Toronto-Danforth):** This bill before us today is the same as Bill 96, a bill that came into this House in the year 2000, a bill that I believe all members in this House supported on second reading. Unfortunately, it was sent by the government House leader of the day to what's known as committee of the whole, and we all know in this place that when a bill is sent to what's called the committee of the whole, it dies. So I was not given and this House was not given the opportunity to send a bill which in fact passed on second reading out to a standing committee for public comment.

I'm here again today to put forward a very important bill at this time in Ontario. The people of Ontario have the right to clean and safe drinking water. Clean, safe drinking water is a basic human entitlement and essential for the protection of public health. We always took that for granted until the unthinkable happened: seven people died and over 2,000 became ill as a result of drinking water that came out of their taps. We used to think that when we turned on our taps the water was safe to drink. It was a wakeup call for all of us and now this bill that I'm putting forward again today is to ensure that the people of Ontario have safe drinking water.

Drinking water standards should be reviewed and revised frequently. Information about drinking water quality should be freely available. Drinking water issues should be dealt with by the provincial and municipal levels of government working in partnership, the way it used to be, and the process for making decisions about

drinking water issues should be transparent and accountable.

I'm going to tell you the main components of the bill once again and go into each of them briefly: testing by accredited labs—if the government does want to bring back the private labs, the testing should be done by accredited labs; strict notification requirements; strong community right-to-know provisions; an offence to pollute water; significant fines; judicial review of actions of the Minister of the Environment. The bill would establish a water advisory council; require the minister to undertake research on water issues; and require the minister to come forward with an annual state of safe drinking water report, an annual review of regulations and safe drinking water fund.

We're not reinventing the wheel here. A safe drinking water bill has been in existence in the United States for some time. The bill that I've put forward takes some of those provisions and adds some, shall I say, made-in-Ontario provisions as well.

I'm going to tell you a bit about each of those now.

The water shall be tested by a water testing lab that is accredited. Results of all tests must be reported to the MOE; immediate notification to water users, the medical officer of health and the MOE where a test reveals a contaminant or substance exceeds the maximum permitted levels, a test is delayed or cannot be performed for any reason, or equipment for testing water or purifying water is malfunctioning; and water suppliers must keep full records of all tests and make those records available to any person, on request.

The community right-to-know provisions is a very important aspect of this bill: immediate notification to water users where a test reveals contamination or a substance that exceeds the prescribed standards, a required test is delayed or cannot be conducted, or if water equipment malfunctions; open access to the public of water test results; summaries of test results provided to water users with their water bill; creation by the ministry of an electronic water quality registry that would be available to any person, without charge. The registry would include the following: test results on a community-by-community basis; copies of all certificates of approval issued to public water suppliers; a list of all accredited water testing labs; details of any water advisory notices issued; information about convictions under the act; and information about civil action reviews under the act.

The bill also makes it an offence for a public water supplier to supply water that exceeds the maximum



permitted level for any contaminant or substance that contravenes the prescribed standard. It makes it an offence to pollute the water and there are fines of up to \$1 million a day if such an offence occurs.

There are judicial remedies. The minister can apply for a restraining order to stop any individual from contravening the requirements under the act, regulations or certificate of approval. A person who suffers damage under the act may bring an action for damage. Any person may seek judicial review of the minister's exercise or non-exercise of power.

Then there's the water advisory council. The purpose of this is to conduct research on water issues and advise the minister of the results of that research, and it would include—it would be far-reaching—drinking water quality, prescribed standards, contaminants and substances and their effects, or any other matter that affects drinking water quality.

This bill spells out specifically the responsibilities of the minister.

The safe drinking water fund is another important component. We all know from the last couple of days, in talking about SuperBuild and the fact that some of this money was supposed to be allocated to communities and municipalities to improve their sewer and water systems, that money hasn't flowed. Some communities are asking the government right now to delay the date when their new regulations have to be met because the government has not put the money in place so that they can meet those requirements. That's crazy. Why put in new regulations when the money isn't there to make sure that municipalities can indeed make sure those regulations are adhered to?

**1010**

This bill before us today has the support of many people across the province—I would say all the people across the province—including all the major environmental groups. The Canadian Environmental Law Association said—this is about the government's new regulations, which I know the government members will stand up, as they did the last time, and say, "We don't need your bill. We have new regulations." But I'm going to tell you right now what TEA and CELA have both said about the government's new regulations. This is what their new regulations do not do and why we need this bill.

It does not "create a clear statutory right to clean and safe drinking water." That's pretty fundamental, I would say. It does not "require the environment minister to create a water quality registry which compiles all water-testing results from public water suppliers." It does not "require the environment minister to publicly report on the state of Ontario's drinking water, to conduct research into drinking water matters, or to establish a special fund to provide financial assistance to public water suppliers." It does not "impose a mandatory duty upon public water suppliers to notify consumers if there are operational problems (ie, equipment breakdown) or testing delays or difficulties." It does not "prohibit tampering with or de-

grading public water supplies or threatening or attempting to do so." It does not "prohibit public water suppliers from providing drinking water that exceeds the maximum permitted levels for contaminants." It does not "require citizen enforcement mechanisms to ensure compliance with the regulation." It does not "create a statutory cause of action allowing citizens to sue violators of the regulation." It does not "impose a mandatory duty upon drinking water suppliers to assess the vulnerability of drinking water sources to contamination."

Dr Murray McQuigge, the medical officer of health in Walkerton, called the government's new regulations on drinking water inadequate.

The Canadian Environmental Defence Fund and Pollution Probe, together with CARD of Balsam Lake, the Coalition of Concerned Citizens of Caledon, the Fort Erie Water Advocacy Group, Four Corners Environmental Group—that's in Walkerton—the Mariposa Aquifer Protection Association in Woodville, Save the Rouge Valley System, Stuart Hall Against Mismanaged Environment in Peterborough, Waring's Creek Improvement Association—and there are more—are some of the groups that have indicated their strong support for this bill. They say, "We support the intentions of Bill 96"—we're talking about Bill 3 today; only the number has changed—"An Act to restore public confidence in the quality of drinking water in Ontario." They say it's "a great start for providing the citizens of Ontario with access to safe, clean water; however, we would like to see the issue of safe drinking water come before a parliamentary committee of the Legislature."

That is what I'm asking people to do today. If you have some concerns and problems with the bill—and there always are concerns and problems with new bills, granted—that's why we send it out to committee. We pass second reading and send it out to committee. I urge all members in the House today to allow that to happen.

**The Deputy Speaker:** Further debate?

**Mr Ted Arnott (Waterloo-Wellington):** First of all, I want to congratulate my friend the member for Toronto-Danforth on her recent appointment as deputy leader of the NDP caucus. I haven't had the chance to do so publicly. Congratulations, Marilyn.

I want to acknowledge her sincere interest in bringing Bill 3, this proposed Safe Drinking Water Act, before the Legislature this morning. On behalf of my constituents in Waterloo-Wellington, I want to thank her for continuing a discussion on an issue that is important to all of us.

Next to the air we breathe, there is no more important resource than the water that we drink. We all need it, and we all need to know that it's safe—now, for our children, for our grandchildren and for generations to come. That's why the citizens of Ontario were shocked and saddened with the tragedy that took place over a year ago in Walkerton. They want answers about what happened and they want assurances that such an incident will never take place again. Bill 3 is laudable because, through its stated intent, it captures that spirit and speaks to what the citizens of Ontario want.

The bill states that people who use public water systems in Ontario have a right to receive clean and safe drinking water, that public confidence must be restored, and that water quality must be protected and enhanced.

We agree, as many of us did when the first version of this bill, Bill 96, was debated and passed at second reading in September of last year, and I agree, that these issues need to be discussed in the Ontario Legislature. For our part, I would say that this bill provides a good opportunity to discuss how both its spirit and practical goals have either been met or surpassed by the government of Ontario.

The main provisions in this legislation are already in place, particularly in Ontario's drinking water protection regulation. Waterworks authorities are regularly and frequently taking samples and tests of the water they treat. They are using accredited laboratories. Reports of potentially unsafe water situations are being communicated immediately, person to person, to the Ministry of the Environment, the local medical officer of health and the owner of the waterworks.

Former drinking water quality objectives and quality limits have been made more stringent and are now standards that have the force of law. If waterworks fail to meet quality standards, corrective actions are initiated, and it's an offence if these corrective actions are not carried out.

The government has also initiated stringent water quality measures that are not recommended in Bill 3. These include mandatory engineering reports for all waterworks, the review of certificates of approval at the three-year point and public notice requirements where the water is unsafe and corrective actions are underway.

In August 2000, Operation Clean Water initiated a rapid strategy that included the following measures: tough, clear standards to improve the quality of drinking water; inspection and enforcement to stop noncompliant activities that threaten water quality; tougher penalties for non-compliance; and strategic investments and innovative delivery practices to ease the burden of compliance with regulations.

We are taking the time to think, plan and act so we can ensure that the people of Ontario have clean and safe drinking water everywhere throughout the province.

The Ontario government appointed Justice Dennis O'Connor with a sweeping mandate to explore all relevant matters relating to ensuring the safety of Ontario's drinking water. The government has co-operated fully with the inquiry, and we anticipate the release of Justice O'Connor's findings in the near future. It would be most inappropriate to prejudice the outcome, however, and I know that the Minister of the Environment is looking forward to receiving Mr Justice O'Connor's findings and responding to his recommendations in a positive way.

Another important step occurred in July 2001, this past summer, when the Ministry of the Environment proposed the drinking water protection regulation for designated facilities. This regulation would include strict requirements for schools, day nurseries and nursing and

retirement homes as well as social and health care facilities that have their own water supply system and do not fall under the existing drinking water protection regulation.

The government has also taken preliminary steps to recognize the need to invest in water and sewer infrastructure. Ontario has committed a minimum of \$240 million under the first round of SuperBuild's Ontario small-town and rural development infrastructure, or OSTAR, program. We obviously realize that many municipalities use groundwater and that thousands of residences and businesses use private wells to draw groundwater for their own use. Therefore, the Ontario government is developing a comprehensive, multidisciplinary range of actions linked together as part of the groundwater strategy.

One aspect is investment. Ontario will provide \$10 million for municipal groundwater studies, the largest single investment in groundwater source protection in the province's history. The government is also developing a provincial groundwater monitoring network with Conservation Ontario, its members, its member conservation authorities and municipalities across the province.

The network will provide an early warning system for changes in water levels caused by climate or human activities and information on regional trends in groundwater quality. We have signed agreements with 25 conservation authorities and have already established monitoring stations in a number of them. When complete, the \$6-million groundwater monitoring network will include 400 electronic monitors across the province.

On July 13, 2001, the Ontario government introduced legislation to address land-applied materials containing nutrients, including those nutrients which in Waterloo-Wellington are more commonly known as manure. This legislation includes standards for nutrient-rich materials spread on farmland and a proposal to ban the land application of untreated septage over a five-year period. It also proposes new requirements such as the review and approval of nutrient management plans, certification of land applicators and a new registry system for all land applications.

#### 1020

In conclusion, the government is taking the needed steps to improve the way we protect and enhance drinking water quality. We are committed to seeing that the very best understanding of science and administration is harnessed into action that delivers and continues to improve upon what the citizens of Ontario need and so rightly expect: safe and clean drinking water, second to none.

I thank the member for Toronto-Danforth for providing us with this opportunity to discuss how we are meeting water quality needs and how, in some cases, we are even overachieving what has been proposed in the legislation before us this morning.

**Mr James J. Bradley (St Catharines):** For a number of years, legislation of this kind has been called for, and governments have struggled with the exact wording of



this kind of legislation. We've had before the House a number of bills and a number of suggestions in regard to the improvement of water quality in Ontario.

What obviously focused the most attention on this issue was the tragic event that took place in Walkerton, Ontario, where seven people died from drinking the water that was provided by a municipal system and where over 1,000 people were seriously ill; others were ill to a less serious degree, but it impacted an entire community. It certainly eroded the confidence that the people of that community and indeed the people of Ontario had in the quality of water that was coming through their taps. That was most unfortunate. While some were apprehensive about the quality of water, most people felt that the quality of water in the province was safe and that an event of this kind couldn't happen, that this was something that happened somewhere else, where they didn't have the technology and where there wasn't the know-how to deal with issues of this kind.

So Walkerton was a major watershed in terms of the issue of the quality of drinking water in the province. But the warnings were there and the warnings have been there for some time from both the Environmental Commissioner and the Provincial Auditor. There are those who always say, "Well, the opposition is going to say this. What do you expect?" I and others on this side of the House have had an opportunity to quote what the Provincial Auditor, Erik Peters—he's completely neutral—and the Environmental Commissioner have had to say. Both have been condemning of the record of the government in terms of dealing with water issues, and I think there is justification in that.

I certainly believe that the drinking water surveillance program, which was growing on an incremental basis each year until the government decided to impose constraint—which you're going to see more of, by the way—was quite good. It spotted problems; it identified problems. There was a dedicated team within the Ministry of the Environment that went around from one place to another where there was a municipal water supply and inspected it carefully. This isn't something where you walk in, and walk out half an hour later. This can take up to a week or perhaps even longer, counting the paperwork that has to be done. It was a very detailed program, you had top-notch people within the ministry doing it, and this program was allowed to diminish in its importance within the ministry until the issue of Walkerton happened. Then we had a so-called blitz of the water treatment plants in the province by a team, some of whom would not have had the kinds of qualifications that this original team would have to do it.

We used to have a timely report on drinking water in each of the places in Ontario so that local people could put the pressure on as well, the local municipality. There was a generous program of funding from the Ministry of the Environment. I was talking to a person the other day from the regional municipality of Niagara, and they are now squabbling over \$39 million in so-called SuperBuild funding. I can tell you, routinely that kind of money used

to be forthcoming to the regional municipality of Niagara. I can remember some major sewage treatment and water treatment plant grants that were made from the Ministry of the Environment—I can recall because I was minister at the time—to areas such as Niagara and other areas in the province that were substantially above this \$39 million that we see today. It was routinely done.

I'm concerned, with the so-called SuperBuild funding and the OSTAR funding, that the Minister of the Environment doesn't have the prerogative of determining on an environmental basis where this money should go. Yesterday in estimates the minister was quite defensive, as she has to be for the government, but I'm sure she feels it would be better if her ministry could determine on an environmental basis where the needs are instead of where the political needs of the government are. Let me tell members of the Legislature that this is exactly what SuperBuild is going to be about. It's going to be determining politically who is going to get it. It works much better when it is otherwise.

Again, when I recall my days as minister, a lot of the money was spent from time to time in so-called opposition ridings. Why was that the case? Because there were needs that were clearly identified environmentally in those ridings. The Ministry of the Environment staff made the recommendations and the money was flowed to those municipalities.

Today that money is essentially choked off. OSTAR is not only for water, by the way, but is for bridges, roads and other emergency circumstances, and it's for smaller municipalities. What is happening is that the amount the government will give in any particular instance is so small that a place such as Niagara-on-the-Lake is unable to take advantage of the funding because they can't come up with the additional funding that's required. I suspect that's the case around Ontario. So there are a lot of announcements made by ministers out there, but seeing the money actually flowed, actually invested, is not something we often see.

There's a need to update water systems. I think we had about 30 water systems, some of them in major places such as North Bay, that didn't have what we would expect—normal filtration methods. Yes, bacteria could be killed through chlorine being applied to the water supply, but they were subject to cryptosporidium and other organisms that could attack the water. You remember that in the Collingwood area there was a circumstance of this kind. The best example I can think of is certainly the city of Milwaukee, which was confronted with over 100 people having died and thousands who were ill as a result of cryptosporidium. That was in a major municipality where one would suspect they would have the best treatment equipment. We have to treat this problem, this challenge, seriously.

Don't forget sewage treatment plants as well. They've been pushed into the background, but sewage treatment plants are designed to take waste water and treat that water so that when it goes back into natural waterways, it is of an acceptable value, an acceptable quality. I believe

we're not investing the kind of funds we need in, first of all, the capacity of sewage treatment plants, but also the sophistication of the equipment. We need the staff, which gets down to the issue of staffing and of financial resources.

The Ministry of the Environment as well as the Ministry of Natural Resources, which by the way has some responsibility for water quality, have both been devastated by cuts by this government. I have a fear that we're going to see more cuts. Why is that going to happen? As I said yesterday, I'm not getting into a long philosophical argument, but if you're going to give over \$2 billion to corporations in tax cuts, that's going to be revenue that is lost to the ministries. I say to government members who are not in the cabinet, and maybe they've already warned you of this, the Treasurer is going to be saying to the cabinet and to caucus in a short period of time, "We don't have the revenues coming in. We're going to have to apply an in-year constraint." So the Minister of the Environment will not have the funding to be able to carry out her responsibilities. You're going to see that in all the ministries. Why is that going to happen? Because there will not be the revenues to be able to meet the understandable needs the Ministry of the Environment will have.

You'll have to deal with the issue of the sludge that comes from sewage treatment plants and now is spread on farmlands. You'll have to deal with the rules for the spreading of that and with the staff that's necessary to inspect and approve any of the proposals for the spreading of sludge. There are a lot of issues around sludge that have to be addressed, and unfortunately they're not being addressed as well as they should be. My friend from Durham East brought a bill brought before the House. He knows the problems he's encountering in his area and that is not resolved to this point in time, and it has to be resolved.

1030

Also, there is intensive farming, or industrial farming as I would call it. I don't think what the government has proposed so far is going to work. I think the timelines are too distant in consideration of what we really need in the province.

I say, as well, that with one third of the staff of the Ministry of the Environment fired out the door when the government got involved in its cutting and with about 45% of the operating budget gone out the door, the ministry doesn't have the staff and financial resources to carry out its responsibilities.

I personally think that the laboratories that were operated by the Ministry of the Environment of Ontario were top-notch and that a major mistake was made when this government closed those laboratories. Today, when we're thinking of the security of our water supply, for instance, wouldn't it be nice to know that we had reliable, top-notch, high-quality laboratories with people with integrity and responsibility operating those laboratories, so that if an incident does arise and there's a need for a quick turnover in time and reliability and integrity

in the answers that are given, we would have a government laboratory to do so? The four laboratories in the regional bases were closed, a most unfortunate decision in terms of water quality in this province.

There are old wells that need to be looked at. They haven't been properly capped. There's a route for some substances—bacteria—getting into those wells.

Lastly, there's also the impact of chemicals that get into the water, both airborne chemicals that fall in our waterways and then make their way into our water systems, and those that are directly or indirectly discharged into waterways in this province.

All of those issues have to be appropriately addressed. It's obviously going to require—I know nobody likes to hear this; none of us do—a major investment of funds in the protection of drinking water in this province. AMO, or the Canadian municipalities, predicted it would be \$9 billion to do the job properly in the province. That's an awesome task in front of us and I think we have to address those issues appropriately.

**Mr Michael Prue (Beaches-East York):** The problems of water quality are not unique to Canada. In fact, it's probably the number one cause of death for young people and old people in the entire world. Across this entire land, this place we love called Canada, there are problems in every small community, from Newfoundland to British Columbia, with their water.

Here in Ontario we should pride ourselves, being the richest, the wealthiest, the most developed province, in not having to have that problem. In fact, though, it has been borne upon us. There is community after community in Ontario where there are orders to boil water. My own parents, who live in a small town in southern Ontario, have had an order to boil water just this year.

We have an opportunity as the province and with this bill to show how serious we are in taking back the standards we once took for granted, that heretofore existed and that served the people of this province very well. We have an opportunity to give back to people and to their government the confidence that has been damaged by the events of Walkerton, damaged by the events of having to boil water in so many communities in this province.

We have an opportunity to rebuild ancient—and I'd use that word "ancient"—infrastructure in many of our towns and cities that was built at or before the turn of the century, where the water systems are eroded and are no longer providing absolutely safe and pure water.

This Safe Drinking Water Act, Bill 3, is an opportunity for everyone on all sides of this House to come forward and say that a fundamental right for pure drinking water, which is also found in United Nations charters, should also be here in Canada's wealthiest province, in Canada's wealthiest city, in Canada's towns and villages, in Ontario's towns and villages.

In fact, the Association of Municipalities of Ontario has very strongly supported this bill, or the preceding bill, number 96, and in fact in July of this year AMO issued their Municipal Action Plan—Protecting Ontario's



Water. That plan called for a comprehensive water protection policy and legislation.

The municipalities of the province of Ontario understand that legislation is going to be needed in order to get the necessary funds to build and rebuild our water structures.

They also have asked for resources to support timely and effective investigations. Many of the smaller communities in this province do not have the necessary resources to do investigations and in fact only find out when it's too late—when people are actually sick or when people actually die—that the water is tainted or that there are problems with their water resources.

They are asking for an investment in research and new technology. There are many exciting ways of treating water that do not necessarily involve the use of chlorine, and I know there are many people in the environmental movement who are looking for other ways to treat water to make sure that it is at all times safe, not only when it's coming in but when it's being treated as sewage.

They are asking as well to re-establish provincial expertise. For so many people who live in the province of Ontario, the only expertise is that which is given by the province. Their municipalities are too small or too poor to actually have their own expertise in-house, and they are asking that the province redevelop that expertise, to go back to where it was five or 10 years ago and to make sure that there are sufficient resources to do it.

The Association of Municipalities of Ontario is asking that this House restore provincial leadership in sharing information, in actually letting people in the province know whether their sources of water are safe, whether there are ways to improve those sources, whether there are ways to move the water around in a more expeditious manner, and they are asking for leadership from the province.

Last but not least, they are stating, "There is a clear provincial interest and Ontario's water quality is obviously no longer a matter for discussion. The provincial interest in water quality is now a matter for action."

I am asking that members on all sides of the House speak to this issue and support this bill. Send it for second reading. Send it to committee to allow for consultation with all the people of this province. Let's get back into the water game. Let's get back into making Ontario a truly great place where people are not afraid to turn on the tap.

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to rise this morning and speak for a few moments on the member for Toronto-Danforth's Bill 3, An Act to restore public confidence in the quality of drinking water in Ontario. Because Ms Churley mentioned Walkerton earlier in her comments, I'd like to make a few comments on that and what our government has done, as well as refer to something Mr Bradley did when he talked about the sewage treatment plant aspect of quality drinking water here in Ontario.

Since May 2000, the province of Ontario, through this government, has made a number of moves to protect

drinking water in our province. Since the Walkerton tragedy, our government not only took the bold steps necessary to restore the Walkerton water supply, we also took decisive action to protect water quality throughout the province. For example, we introduced Operation Clean Water. That's a coordinated and comprehensive provincial effort to protect water resources, which includes tough, clear standards for drinking water quality, effective inspection and enforcement, tough penalties and strategic investments, and efficient delivery practices. I think nearly every member of a riding here has probably heard back from some of their municipalities that may have been impacted by some of the guidelines under Operation Clean Water.

We passed the drinking water protection regulation to protect the health of Ontarians and to make the province's drinking water requirements among the toughest in the world. We also proposed a drinking water protection regulation for designated facilities to ensure that people who are less resistant to contaminants in drinking water are protected.

We are implementing a \$6-million provincial ground-water monitoring network. There's a lot of interest in that particular program and I know that in my particular riding itself, the area of Oro-Medonte is certainly interested in tapping into some of that funding.

**1040**

We also inspected all municipal water treatment plants in the province—there are over 650 of those—to ensure compliance with provincial legislation, and we are committed to doing annual inspections at these plants.

We established a \$240-million Ontario small-town and rural fund to help municipalities upgrade their water and sewage infrastructure. I know there have already been a few announcements on that program.

Most recently we announced \$10 million in funding for groundwater studies in Ontario municipalities. This is the largest single investment in groundwater source protection in the province's history.

I know that this all ties in to a lot of the work we're doing on some of our moraines as well. I've got a deep concern about a moraine that's in my riding and I want to make sure that whatever programs or regulations are put into place to protect moraines in fact protect all moraines here in the province of Ontario.

The other thing I wanted to briefly mention this morning was what Mr Bradley, the former Minister of the Environment, had mentioned earlier on sewage treatment plants. I was very fortunate that just recently, on September 21, I had the opportunity to officially open a new sewage treatment plant in the community of Port McNicoll. It's part of the township of Tay and it sits right on Georgian Bay as part of the Severn Sound. They opened what they called a xenon plant—I think I've got the phrase right. It's a state-of-the-art sewage treatment plant and basically the water that leaves this plant is almost perfect. It's almost as good as the water that comes out of your tap in the beginning. It was interesting to open this plant. It's a \$6.5-million plant and the prov-

ince contributed 53% of that, so I was pleased to see that that plant helped to contribute to the water quality in the Severn Sound. Effective within the next couple of weeks—I think it's October 27—they will officially delist the Severn Sound as an area of concern on Georgian Bay. I compliment the Minister of the Environment for bringing forth this legislation and I also compliment the former minister for bringing that through the provincial water protection fund program, which allowed the money to go forth to help with this plant in Port McNicoll.

With that, I wish Ms Churley all the best in the further debate on this bill, and my remaining time will go over to Doug Galt from the Ministry of the Environment.

Thank you very much, Mr Speaker. It's been a pleasure to stand here this morning.

**Mr Michael Bryant (St Paul's):** I obviously support this bill. This bill about public confidence in drinking water has really gained some immediate attention in the riding that I have the honour of representing, St Paul's, where of course we learned today through the media that the St Clair reservoir was broken into, probably at some point last night or early this morning. Just before 10:30 this morning, a city worker discovered the break-in, discovered some unidentified liquid in the reservoir site, and fortunately very quick action resulted. This bill of course is about protecting water sites across the province, but I just want to emphasize to this House what's going on right now with respect to this emergency situation in St Paul's.

I have spoken with officials in 53rd division, which obviously covered this area, as well as ministry officials. The unidentified bottle of liquid is being tested by the forensic centre. They'll know the test results by this evening. The Ministry of the Environment is testing the water—as we want them to do across this province through this bill—and we should have the result by tomorrow at the latest to confirm that in fact the water has not been infected in any way.

I can tell this House and the people of St Paul's that the 100 million litres of water that is affected by this reservoir is not being distributed. The taps have been shut off. I can't tell you with 100% assurance that it was shut off before any water was released and after the break-in. We don't know that yet. But there are detectives on site, there are officials from the fire department hazardous materials on site, and of course there are two people right now guarding that reservoir.

My concern is that there are other reservoirs across the city and the province that are not being guarded, and that there are other sensitive sites. We spoke yesterday about nuclear plants, but also just in St Paul's, synagogues, churches, mosques.

We are living in an era of heightened anxiety. It's important, obviously, that nobody in this House fearmonger but, at the same time, the public needs to be informed about what has happened. I can tell you right now it's a zero-sum equation. Unless more police officers are deployed to protect these sites, unless testing is done on a

widespread basis, people are going to continue to live with some concern.

**Mr Rosario Marchese (Trinity-Spadina):** Nothing could be more important to human life than water. We all know that and the people watching this political program know that as well. Bill 3, the Safe Drinking Water Act, introduced by Marilyn Churley, the member from Toronto-Danforth, goes a long way to protecting that water that is so essential to us.

To emphasize what the member from Toronto-Danforth said, when I read the Toronto Environmental Alliance and the Canadian Environmental Law Association, they say that this new regulation the government introduced does not “create a clear statutory right to clean and safe drinking water”; does not “require the environment minister to create a water quality registry which compiles all water testing results from public water suppliers”; does not “require the environment minister to publicly report on the state of Ontario's drinking water, to conduct research into drinking water matters, or to establish a special fund to provide financial assistance to public water suppliers”; does not “impose a mandatory duty upon public water suppliers to notify consumers if there are operational problems (ie, equipment breakdown) or testing delays or difficulties”; does not “prohibit tampering with or degrading public water supplies, or threatening or attempting to do so”; does not “prohibit public water suppliers from providing drinking water that exceeds the maximum permitted levels for contaminants”; does not “create citizen enforcement mechanisms to ensure compliance with the regulation”; does not “create a statutory cause of action allowing citizens to sue violators of the regulation”; and it does not “impose a mandatory duty upon drinking water suppliers to assess the vulnerability of drinking water sources to contamination.”

We know that. It says, “It does not,” to so many important things as it relates to water. I say to you, what does the regulation do?

There is a fundamental role of government to protect our water and to make sure that the water we drink is safe. That's why I read out for emphasis the Toronto Environmental Alliance statement as it relates to the new regulation as a way of saying to the government, you've got to get into the game of governing. I know you think being here is a game for you. I know you said you came here to fix government. We're saying to you, be the government. This bill urges you to move in that direction.

I know the government, through Premier Harris, in response to a question from our leader, Howard Hampton, around Bill 96, now Bill 3, said, “It's a bill that is merely repetitive.” We asked the government, Harris and the others, is it red tape and repetitive to have an act that recognizes that the people of Ontario have the right to clean and safe drinking water? No, obviously. Is it repetitive and red tape to give communities the right to have information about the quality of the water they're drinking? No, we say. Is it repetitive and red tape to immediately notify communities that their water is con-



taminated and ensure that an alternative supply of safe drinking water is available to them? No, we argue as New Democrats. Is it repetitive and red tape for the minister to operate an electronic water quality registry that would inform communities about the quality of their drinking water? No, we say as New Democrats. And on and on the list goes.

We support Bill 3, the Safe Drinking Water Act, introduced by Marilyn Churley, the member from Toronto-Danforth, and urge this party to be in government, to be the government and start moving in the direction of this bill.

If you don't want to adopt each and every matter that is in this bill, bring in your own bill so we can debate it. Make it yours, if you want, change it and let's debate it. But we need, as a government, to move in that direction and we hope some of the government members, if not all, will support this bill.

1050

**Mr Doug Galt (Northumberland):** First, I'd like to compliment the member for Toronto-Danforth for bringing forth this bill and having a concern about water quality and safety in the province of Ontario. There is nothing more important than the water we drink or the air we breathe or the food we eat, and certainly, you're very familiar with the fact we've brought in Bill 87, looking at safety and quality for food. I compliment the Honourable Brian Coburn for bringing that particular bill forward.

I also compliment the member for Beaches-East York in his comments about the sickness that occurs around the world because of water. Having lived for a year in Indonesia, there is absolutely no question that water is one of the important factors in carrying disease in countries such as that.

I bring to mind Operation Clean Water that our government brought in just a little over a year ago. At that time, regulation 459/00, the drinking water protection regulation, was also brought in. Really, it was an extension of the previous drinking water objectives in this province.

I wanted to talk just for a few minutes about some of the things that may not have been covered in too much detail here, some of the investments. The OSTAR fund is some \$600 million that was set aside because of the interim report of the Premier's Task Force on Rural Economic renewal. Some \$240 million of that is set aside for water and sewer systems, to upgrade those in our municipalities so that they will also, once upgraded, look at cost recovery. I would also remind you of the \$200 million in the late 1990s in the provincial water protection fund that was invested in municipal water and sewer treatment plants.

The \$10 million in the groundwater studies has been mentioned, but also last year \$6 million was set aside for the provincial groundwater monitoring network, some 400 monitoring wells in the various conservation areas to look at water quality, as well as at the levels of that water.

I bring to mind Bill 81, the nutrient management bill that has been brought forward. After first reading, we've

taken that out on the road for hearings and have received a lot of interesting input from the public. That's following very extensive consultations on the part of our government to look at how we deal with nutrients on soils, putting on the right quantity to be absorbed and consumed by plants, and to prevent any of it from leaching into the groundwater or into surface water.

I would also, just in the last few seconds, remind you of the water-taking and transfer regulations that our government brought in to prevent the export of bulk water out of our country. The federal government wouldn't do anything. It was their area of responsibility. They failed to act, and the province came in and stopped that kind of export of water by bringing in a regulation that would prevent the transfer between water basins in the province of Ontario.

**Mr David Christopherson (Hamilton West):** I am pleased to rise in support of my colleague Marilyn Churley's Bill 3, which quite frankly ought to be motherhood in this place, given all that's happening and all that has happened in the last couple of years. It's interesting; I'm not hearing any government members stand up and say, "I don't support this bill and here's why." They dance all around it, they talk about all the programs they think are making a difference but don't acknowledge the fact that the Association of Municipalities of Ontario, which speaks for all our cities, is in support of this.

Why? Because a lot of the programs that they're touting on the other side of the House today do not adequately deal with the issue. Whether it's because they can't access the funds or whether because the standards you put forward aren't making the difference that we need, the fact of the matter is that there is insufficient legislative protection for our water.

This bill today seeks to change that. I think the preamble says it all, and I'd like to hear any government member tell me they disagree with this preamble: "The people of Ontario have the right to clean and safe drinking water. Clean, safe drinking water is a basic human entitlement and essential for the protection of public health."

Why would the government oppose a bill that has widespread support among the organizations and entities that are responsible for the actual delivery of water and that clearly would have the support of the people if you went out and asked them? It's because, once again, the government talks a good story but acts in way that does virtually nothing. In many cases we've seen that the actions they take, in terms of their words, are the opposite.

All we are seeking is that the government backbenchers, on this day when party discipline doesn't apply—no one is going to be punished or held accountable; they shouldn't be. I see some of the backbenchers raising some eyebrows. I have to tell you, if it is being applied in a disciplinary fashion, then you're being denied your rights as members, because today, Thursday morning, is about each of us standing up and speaking from the heart and speaking on behalf of our constituents.

When we have a bill like this, which Marilyn Churley has put forward, that speaks to ensuring that by law Ontarians will receive safe drinking water, I don't see how you cannot stand in your place and give your precious vote to this bill. How can you not support something so fundamental as providing clean water, particularly in light of Walkerton? How can you do that?

**The Deputy Speaker:** Response?

**Ms Churley:** I'm encouraged by the members from the government benches who spoke. Nobody said they weren't going to support it. People did talk about all kinds of other issues but really didn't speak directly to the bill.

I want to point out to members in the House today that the recent Environmental Commissioner's report also referred to the regulations and said they are lacking important components and that a safe drinking water act would be an important issue to come before this House.

I also want to say to the government members, you talked about all the things you are doing. You ended the drinking water surveillance program in 1996. You also ended the annual direct discharges report, which told us what was going into our water. You ended CURB, the Clean Up Rural Beaches program, which we heard over and over again in the committee on nutrient management was a good program and should be brought back.

We know that in 2001, Ministry of the Environment spending in real dollars is actually below 1971-72 levels, the year when the ministry was created.

We know that OSTAR and SuperBuild—there is no longer a dedicated fund for sewer and water projects. There's no research being done. At a time when inspections show that many plants need to be upgraded, they are asking for your regulations to be delayed, and that's one of the problems with regulations. Not only are they lacking certain components, but the government, willy-nilly, at its whim, can change regulations any time when what's happening out there isn't meeting the requirements, which is my fear now.

Please support this bill today and send it to committee.

**The Deputy Speaker:** That completes the time allocated for debate on ballot item number 23. We'll now deal with ballot item number 24.

1100

## ETHICS AND TRANSPARENCY IN PUBLIC MATTERS ACT, 2001

### LOI DE 2001 SUR L'ÉTHIQUE ET LA TRANSPARENCE DES QUESTIONS D'INTÉRÊT PUBLIC

Ms Di Cocco moved second reading of the following bill:

Bill 95, An Act to require open meetings and more stringent conflict rules for provincial and municipal boards, commissions and other public bodies / *Projet de loi 95, Loi exigeant des réunions publiques et des règles plus strictes de règlement de conflit pour les com-*

*missions et conseils provinciaux et municipaux ainsi que les autres organismes publics.*

**The Deputy Speaker (Mr Michael A. Brown):** The member for Sarnia-Lambton has up to 10 minutes for her presentation.

**Ms Caroline Di Cocco (Sarnia-Lambton):** It is a pleasure to rise in this House and to put forth a bill that requires specified provincial-municipal councils, boards, commissions, public bodies, as listed in the schedule, to conduct their meetings in open forums. Bill 95 is about ethics and transparency and it's called the "ethics and transparency act." It's about ensuring open meetings, good documentation of those meetings and penalties for conflicts of interest.

In my view, this allows for more public scrutiny for those bodies that expend public dollars and make decisions that are for the public interest. We have numerous examples across this province whereby public bodies find it more expedient to conduct their affairs behind closed doors and then they have public relations people who come out to sanitize the version for the public. I'll give you an example that I believe has happened currently. I think it has to do with the issue of the London hospital decision to cut a number of services. These decisions are being made, and there are other decisions that I know are being made in other hospital boards and in Sarnia as well, to cut other services, and yet the public and the specialists hear about the decisions through the media. It isn't necessary for these bodies to conduct their affairs in the view of the public.

To me, what I find unconscionable oftentimes is that public information is provided by the many public relations people who decide how to spin the controversial issue after the decisions have been taken behind closed doors. It is the new fashion, I guess, that decisions are vetted and sanitized for public consumption. I believe that the public should be involved when these decisions are being debated, before the fact, not after the fact. It is important that good records be kept in the public interest. These bodies, in my view, are there to serve in the public interest and should be subjected to public scrutiny, period. That should be the norm and not the exception.

I have spoken to a number of people as I was drafting this bill, one of whom was Ann Cavoukian. It is her opinion as well that it is important that we ensure that public decisions are made in the public view. This bill, I'm going to share with you, has evolved from the findings at a judicial inquiry that was held in 1998 in Sarnia. It is the very reason I believe I came to be elected as an MPP, and I find myself in this realm of the political world. The inquiry was held because decisions made by the Catholic school board and the municipality of Clearwater misspent \$6 million of taxpayers' money. The findings of this inquiry basically stated that over \$6 million was proverbially "flushed down the toilet," for the most part because these decisions were made behind closed doors.

According to the inquiry, another factor, another motivator, in the poor decision-making was the many



conflicts of interest. The municipality for instance gave a mortgage and a first right of refusal to a company whose shareholders were not even known, and to this day, the municipality still has not received one cent. And this is almost 10 years ago now.

Conflict of interest: it was interesting that the same lawyer acted for the school board, acted for the consortium, acted for the town in the deal, and that came out in the inquiry. One of the comments that was made during that inquiry was the fact that there was no penalty. We held this huge judicial inquiry, yet there's no penalty for the conflict of interest or for those public bodies that held meetings behind closed doors. The personal business involvement among the players at this inquiry was quite astounding. Again, I take those findings and that's what evolved into this bill.

The report from Justice Killeen is a vivid example of the cloak of secrecy at both Clearwater council and the Catholic school board, and it did not serve the public interest.

In the inquiry—and I'll just specifically state it, because this is only an example of many more bodies that don't even have to abide by an open meeting process, and these were bodies that were supposedly to conduct their affairs in the open. I'm going to read one of the items from the inquiry. This is what Justice Killeen's findings were. He said:

"Finally, there is much to be condemned in the secrecy with which the council plotted and carried out their strategies over the period from early 1989 down to the very closing of the parklands sale in April 1990. They kept the restructuring and implementation committees in the dark at times when it was clear that candour and openness should have been the order of the day with the other public bodies involved."

So not only did they not conduct their affairs in the open; they actually prevented other public bodies from knowing what they were doing.

There is another example that Justice Killeen talks about. He says:

"I am profoundly disturbed by the cloak of secrecy the board used to hide this transaction from its closing stages and down through the years to 1995 when, through the press of events and the complaints of a small number of obviously concerned electors and ratepayers, the board was finally forced to acknowledge what had happened."

I was one of those individuals in 1990 who tried to force accountability, and it took seven years. I don't believe the public should be forced to do what I had to do.

In my bill, each member of the designated public body who knowingly fails to disclose a conflict of interest, as required in section 11, could be guilty of an offence and, on conviction, is liable to a fine of about \$1,000. Too often conflict of interest is commonplace on boards and commissions, because there is no consequence.

The other point I will highlight again in my bill is that closed meetings must be well justified, the rule being that meetings are open to the public except under special circumstances. I strongly believe that these bodies that

are conducting business, supposedly in the public interest, should be open to the public and decisions made without prejudice. Public scrutiny is, in my view, what ensures honest, open decision-making.

I hope to receive your support on this bill because we, as legislators, have the tools to make changes for the better, and this bill strives to do so.

I truly believe that institutional arrogance sometimes is what comes into play when decisions are made, and I, as a member of this Legislature, have an opportunity to bring into action some of those ideals with which I came to this Legislature—ideals that we are here for the public interest—and through this type of legislation, improve our openness and improve democracy. As I've said, I've also spoken to Democracy Watch and they're very much in support of this. They say this is just the type of legislation which helps to bring transparency and helps to restore public confidence in our public bodies.

Again, I urge all members of this House to vote in favour of this bill, because I believe it is about true accountability. That's what transparency is, and that's what good ethical conduct is about.

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**The Deputy Speaker:** Further debate?

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to be able to rise this morning to speak to Bill 95, An Act to require open meetings and more stringent conflict rules for provincial and municipal boards, commissions and other public bodies.

As I've said many times in this House, I've spent a lot of time—18 and a half years—on municipal councils, and the first thing I want to say is that in all those cases the existing rules were cared for in a very special way. I think that people who are elected to these commissions, particularly municipal councils and school boards, generally take a great deal of pride in that and follow these rules quite closely. But I do want to say that Bill 95 is an act concerning open meetings and more stringent conflict rules for provincial and municipal boards, commissions or other public bodies.

What this bill proposes to do is important in any democratic system of government, and that is why it is already being done in Ontario through existing legislation. Much of what is in Bill 95 parallels, and at points conflicts with, what's in the Municipal Act in regard to open meetings, and what's in the Municipal Conflict of Interest Act in regard to conflict of interest.

If those who are responsible for this bill took more time to read the existing legislation on these matters in more detail, they would have clearly seen that the bill has a number of problems. I want to point out some of those, if I could.

One of the most serious problems I see is that section 13 of Bill 95 states that when there is a conflict between what's in Bill 95 and what's in existing legislation, the stricter of the two would prevail. At times it's not going to be a clear-cut case which provision is stricter, and the ultimate decision would likely have to be made through our court system. We all know that this would use up

very valuable court resources and would be very expensive and time-consuming. What the drafters of this bill should have done is amend existing legislation on this topic, but they didn't, and what you're left with are conflicting rules with vague resolutions on how to overcome the problems.

Let me say a few words on open meetings. I haven't been in a council meeting for three years, and I had forgotten exactly why we would go into committee of the whole. Of course, today we have labour relations, litigation or potential litigation, employee negotiations and acquisition or de-acquisition of lands. Those are basically the only reasons you can go into committee of the whole at a municipal council meeting. In my past, I've seen this rule clearly cared for by municipalities and school boards.

Under section 55 of the Municipal Act, open meeting provisions affect municipal councils, advisory boards and boards found in the Municipal Affairs Act. These rules do not apply, for instance, to municipal police services boards or school boards. The provisions of Bill 95 would include the boards exempted from the Municipal Act provisions. These boards are not included in section 55 of the Municipal Act because they have their own rules regarding open meetings and conflict of interest. There is no need for duplication.

There is a provision in this bill that would fine individual members up to \$1,000 for closing a meeting that the bill says should be open. This could lead to councils opening portions of meetings which should in fact be closed out of fear of being fined. We all know it's necessary to close meetings at times. I've pointed out some of the reasons why, and I'm sure that most people follow that. This legislation would lead to boards and councils second-guessing their decisions.

As for Bill 95's treatment of conflict of interest, I must first note that the bill duplicates the provisions, and at times even the wording, of the Municipal Conflict of Interest Act. Secondly, this bill does not define what a conflict of interest is. Exemptions, however, are listed, but they are not as comprehensive as what currently exists.

The bill also sets a \$1,000 fine for not declaring a conflict of interest, but no process is established for how an individual is charged, which court they would try the matter in and how any kind of appeal would work in this case. Existing legislation, on the other hand, is very specific on these matters.

Let me sum up by saying that much of what is in Bill 95 duplicates or conflicts with existing legislation. The existing legislation has clear and definite rules on open meetings and conflict of interest. If changes are made to legislation concerning these topics, amendments should be made to the Municipal Act and the Municipal Conflict of Interest Act, not by this piece of proposed legislation.

I appreciate the opportunity to say a few words here this morning.

**Mrs Marie Bountrogianni (Hamilton Mountain):** I'd like to congratulate the member from Sarnia for the Ethics and Transparency in Public Matters Act, 2001.

The member opposite is wrong. This is not duplication of legislation that already exists. This particular legislation is based on the Open Meetings Act in Michigan. Nothing of the sort exists in Ontario. If it did, a lot of the bizarre decisions that were made would not have taken place, because the public would not have stood for it. So the proof is in the pudding, and I think the members opposite should take a much closer look at my colleague's bill, because this would truly introduce accountability in the public sector.

The members opposite pride themselves on saying they are for accountability in government. Well, here's an opportunity to prove what they're saying, not only to talk the talk but to walk the walk.

Let me tell you about some examples in my own community that probably would not have occurred if this particular bill was law, because the public would not have stood for it. I'm talking about golden handshakes, the amazing and enormous golden handshakes that public CEOs have received across Ontario.

The most recent example is in Ottawa—\$700,000. What planet are we living on? I have to remind the members that hospital boards, school boards and municipal councils don't have to tell us, the public, what these severance packages are. Most often, reporters or members of Parliament go through the freedom of information act to get this information, at an expense—taxpayers' dollars. I can understand if this was PepsiCo or IBM, but it's not. It's municipal boards, hospital boards, school boards that spend our money.

You pride yourselves on saying you are the protectors of taxpayers' money, and yet you don't walk the walk. Here's a good opportunity to do that. Pass this bill quickly, send it to general government and let's bring some true accountability.

I'll give you some examples from my community alone. I'm not going to blame the individuals here, the CEOs. They were looking out for their best interests, as is human nature. They were following the rules. No one broke the law here; the law is wrong. There is no law that protects the public against these kinds of decisions.

In my community alone, we had, in the last decade, two hospital CEOs. One severance package, at taxpayers' expense, before it went to litigation—it was reduced significantly, with respect to the lawyers—was for \$1.8 million in severance to Dr Jennifer Jackman, back about a decade ago. She didn't receive all of this because it was in litigation. It was eventually capped at \$818,000. This CEO was basically told she needed to leave because of her poor performance and because of a conflict of interest with respect to hiring a personal friend for a position. And yet there it was.

I have introduced a severance bill twice. Once it passed unanimously, to everyone's credit, but it died because the House was prorogued. I have recently submitted a much simpler bill that would say, "Make this a sunshine law like your sunshine law." Have severances open to the public, whether it's once a year, the way you do on April 1 for the \$100,000-plus club, or the public



can call up and find out: "What is the severance package of this newly appointed executive?" We have a right to know.

Recently, Mr Scott Rowand got a golden handshake. We don't even know how much it was because it went to the courts. Again, everything was legal. No one broke the law. Mr Rowand, of course, was looking out for his best interests, as is human behaviour. But we, the public, should know how much we paid the man. We don't know; we just don't know.

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Then, very recently, our city manager was let go. That severance package was open because of a lot of public pressure. However, as it turns out—and the member for Hamilton West is here—even the council wasn't aware of exactly how much they had OK'd. Let me tell you, I think they would have been a lot more careful about the details of what they were voting for if they knew the public was in the chambers watching them as they discussed severance packages and salaries. I agree, it makes it a lot more difficult for elected bodies to do that, but that is what they get paid for. That is what they get elected for: to represent our best interests.

I strongly suggest that the government take a better look at Mrs Di Cocco's bill, because it will truly bring greater accountability to Ontario.

**Mr Bob Wood (London West):** Mr Speaker, on a point of order: we have with us this morning a distinguished visitor from China, Mr Wang Songda, deputy leader of the China Zhi Gong Party and a member of the standing committee of the Chinese People's National Congress. He is joined by Mr Kunru Chen, consul for overseas affairs, People's Republic of China; Mr Ming Li, interpreter from the consulate; and Mr Zhen Gun Li, deputy consul, People's Republic of China.

Please join with me in welcoming Mr Wang and his delegation who are in the east members' gallery.

**The Deputy Speaker:** Thank you. Welcome. As you know, that is not a legitimate point of order.

Further debate?

**Mr Doug Galt (Northumberland):** First, I would like to compliment the member from Sarnia-Lambton on her concern for open meetings. I don't think there is anybody here in this Legislature who doesn't support that philosophy. Certainly it's very honourable and I compliment her on bringing forward her particular bill.

I served on the Northumberland-Newcastle board of education back in the late 1970s. I also served as reeve and warden in Northumberland county and Cramahe township. As I served in those various roles, I believed that the rules were quite straightforward and, if they were followed, there was no problem. I think what the member from Sarnia-Lambton is concerned about is the fact that these rules, these acts, are not being followed. Maybe the penalty needs to be changed so that they would pay more attention to it. That might be a legitimate concern and something that would turn things around, but to try and change a lot of this, I have some concerns.

From my understanding of the Municipal Act, things allowed in camera are things like discussing issues of personnel. Certainly I don't think that kind of laundry should be aired in public. If things like salary negotiations are out in public, it certainly limits the ability to negotiate in good faith. Also the buying and selling of property: again, if that's negotiated publicly, it's certainly not in good faith.

When you look at the Municipal Conflict of Interest Act, that all relates to a pecuniary interest. Anyone who might have a pecuniary interest should certainly step aside not only from the vote or from the discussion but from the meeting, and should leave the hall or the council chamber or the school board meeting room until that issue has been debated and is completed. I refer to the Municipal Act and the Municipal Conflict of Interest Act. Similar rules are in the Education Act.

The member, in her Bill 95, makes reference to "the stricter of the two would prevail." I'm quite concerned about that statement in the act. We end up with enough issues in our courts today. Our courts are very expensive. It's a win-lose type of situation; it's never a win-win. To end up having this kind of decision being made in the courts—and I think it often would—would be unfortunate. We need bills that are very crisp and clear to reduce the number of times we end up in court.

Bill 95 does not really define conflict of interest, but goes ahead and lists exemptions. These exemptions are less comprehensive than what is in our present legislation. I think those exemptions need to be very specific, and our present legislation has them outlined there very, very specifically.

As I look over this bill, yes, I have compliments for the member and her concern. I don't think there's anyone who strives for more openness and publicness than the member from Northumberland, but this particular bill is very complex, very vague. It's lacking in specificity and in true detail and there are a lot of contradictions in this particular bill, so I think what we presently have is serving the purpose, provided that it is followed.

Possibly, what the member is bringing forward are her concerns and some of the observations she has made whereby these rules, the present legislation, is not being followed. If it's not being followed, certainly charges can be laid, and that's presently the responsibility of the public. Possibly, more severe penalties should be in place. I think that's something that would be very worthwhile debating. But the bill that she's brought forward I'm unable to support in its present form.

Mr Speaker, thank you very much. I look forward to seeing where this bill ends up.

**Mrs Sandra Papatello (Windsor West):** I'm very happy to support this bill brought forward by my colleague from Sarnia. A little bit of history that the people in Sarnia may know about but others across Ontario won't is that Caroline Di Cocco, the MPP from Sarnia, spent seven years on a particular issue, probably best illustrated by an editorial cartoon that appeared in their local paper. I just want to describe it to you. It's a cartoon

of Erin Brockovich made to look like Caroline Di Cocco outside of a theatre that says, "Inspired by the movie Erin Brockovich, here in Sarnia-Lambton, MPP Caroline Di Cocco." So good for you, Caroline. I think everyone ought to know about the hard work and what it means when Caroline gets her nose on an issue and doesn't let go for seven years.

What started as questions and queries were shut down because the system wasn't transparent enough, but her doggedness resulted in a judicial inquiry that ultimately proves that funding was misspent in that area. What she's done today, having been elected to the provincial Legislature, is change the system so that the system is more transparent for all of us.

In my own community of Windsor, if you go down to Elias at Ouellette and Riverside and talk to the people in there and ask them what they're talking about, right now they want to know about the MFP deal in my community. They want to know about what is probably the largest investigation going on at my city hall with a company called MFP and a series of financial deals made between the city of Windsor and this company, the same company that Kitchener-Waterloo is now suing for apparently wrongful information in the contract they signed.

People in Windsor want to know, what about the deal? It's currently under investigation and the city has hired a lawyer to look into this matter, but we all want to know. My big fear is that information will be brought forward to meetings behind closed doors, the numbers of which my city has never seen. In the last year or two or three years we've never had so many closed-door meetings in my own community as we have now. It's a great concern to find that the scuttlebutt in my community at this time in Windsor—when we have significant concerns over a financial deal that we may have struck with a company, we learn that one of our finance officers has been given a severance package and has taken early retirement, and that that kind of decision making was done behind closed doors. We will likely never know the sum. We won't know what the details of that negotiated package was. I question the timing of agreeing to make that kind of decision right now when the very thing we're investigating at my city level is the financial dealings with an outside company.

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These are the kinds of questions that people on the streets of Windsor and I as a resident of the city—we have a right to information and I don't want to be stonewalled. There have been huge expropriation projects going on in my community and the number one question is, how much is the Norwich block costing us in expropriation? There is no one to give us the answer to that.

This government is famous for saying there's only one taxpayer, and I have great concerns that ultimately the taxpayers will continue to pay. But the taxpayers should not continue to pay to have information shut out. We should be able to make a phone call and get information. As a taxpayer, as a voter in my community, I have a right to information. Those who are in positions of authority

and are making decisions ought not to be afraid that once the information is public, the people may still rely on them to make good, sound decisions, but it also obligates them to tell us what they base those decisions on. We should and ought to have access to that information.

I wholly support this bill and hope that it moves forward through the system quickly.

**Ms Marilyn Churley (Toronto-Danforth):** I stand in support of this bill, and I would say to Mr Galt from the Conservative caucus, who spoke earlier, his own argument as to why he's voting against the bill—actually, he makes the argument why he should be supporting it and sending it to committee. He said he thinks overall, as did other government members, that this is an important issue which needs to be dealt with, but they don't like the formation. Mr Galt said it's too vague, and whatever.

But sending it to committee is the perfect answer. That's what you do with bills, particularly private members' bills, where generally we all support the direction and the thrust of the bill but have some problems with the content or the way it's laid out. Some people might want it tougher, as I do. Some people might want to make it vaguer, although I wouldn't want to see that. But his argument is a good argument as to why people should support it here today and send it to a committee, so we can fix it. That's what second reading is all about. If you accept the thrust of the bill, then let's send it to committee and let's make the necessary amendments. That's what we're here to do today. That's what second reading is all about.

So I'd say to members, look, this is one of those issues I think we all should be very concerned about, these days in particular. We've all experienced this and people out there have experienced this. Journalists have experienced this. It's harder and harder to get information through freedom of information. The government has brought the charges to get information up to such heights that many people can't afford it.

We've also seen direct government intervention when some of the members have tried to get legitimate information that should be public information from FOI. I had an experience where I was trying to get some legitimate information on Walkerton. The FOI commissioner said, "No problem." They were getting it ready for us, we paid our big money, it was coming, and then all of a sudden we heard nothing back. We phoned up and were told that they had been told by the Ministry of the Environment—from the minister, as I understand it—not to release that information because Walkerton was before the inquiry.

We checked with the commissioner, even though we knew this ourselves, because it is a public inquiry, and of course there was no reason whatsoever that any documents that were before them could not also be seen by the public. It was an excuse and it was direct interference because they didn't want me to have that information. And I've heard of other circumstances where that happened. So this bill is all the more important under the present climate in which we're operating.



The history of this is actually very interesting. I know the story of Ms Di Cocco and congratulate her on her persistence. She knows first-hand the personal implications of not being able to get information that should be in the public domain, so I see this bill as a partial answer. I'm sure Ms Di Cocco also wants this to go to committee so we can all get our ideas before that committee and make amendments that we can then support or not support.

It's the partial answer to the issue of open and accountable government. I imagine it's broadly supported by everybody except maybe some members of some boards that are brought in under its provisions.

A little bit of history here: the NDP brought in—and I remember this very well because we worked on it for quite a while—a Municipal Conflict of Interest bill, but we never proclaimed it. At that time, there was quite a lot of controversy in the municipal sector and they successfully argued that the conflict provisions in our bill were too tough on part-time local councillors who had other interests. So at the end of the day, we never proclaimed that bill; it's still sitting on the books.

But I want to tell you why we brought forward that bill. The bill was a response to the development of scandals in York region and the city of York that rocked the Liberal government in the late 1980s. Many of you will remember this. There were about eight ministers dumped from the Peterson cabinet at one point, and although this was not the official reason given for most of them, they had accepted money from Patti Starr. Then, at the municipal level, the allegations were very serious indeed and some municipal politicians, one in particular, were charged. In his case he was jailed on Criminal Code corruption charges. That's even more background as to why this kind of bill is important.

The bill moves in the direction of greater openness and accountability in decisions made by government bodies. It needs some work in certain aspects that I really hope and think can be worked on in committee. Ensuring that public business does indeed take place in public is extremely important in a democracy, and we're seeing less and less of that.

The existing Municipal Act provisions should, in my view, be toughened to provide penalties as the bill suggests, and broadened to include provincial boards and crown corporations. Broadening conflict-of-interest provisions to include provincial boards and crown corporations is appropriate, but the bill stops short of making those provisions as tough as the Municipal Act provisions. Under the Municipal Act provisions, if you break conflict rules, you lose your seat. Ms Di Cocco's bill stops short of that and imposes a fine. This may require some toughening up. That would be my view, should it go to committee.

The bill deals with two areas: open meetings and conflict of interest. That's essentially my understanding of the bill before us today. It's very clear. It's not convoluted. It's not vague. It deals specifically with those two issues. There are already Municipal Act provisions

requiring open meetings of municipal councils and their boards. Of course, at times, municipal councils go in camera to discuss certain issues if they have to do with development, land use, some money issues, personnel issues, but overall the act requires open meetings.

The bill extends the provision to virtually all municipal and provincial bodies, though not to the provincial cabinet. Ontario Power Generation, for example, would have to let the public into its board meetings, and at a time like this when the whole system is being privatized, it's harder and harder to get information. You used to be able to get information about spills, problems and accidents at nuclear plants. All kinds of information that was available to the public is no longer available. That is so wrong and this bill could help address that issue.

The bill lists the exemptions to the open meeting provisions, so she's thought of that. They are similar, but not identical; it's not exactly the same as the Municipal Act. Discussions about labour negotiations, acquisition of lands, security of property or personnel matters that don't pertain to an employee are no longer automatically exempt, and that's an important point because right now, and I've seen it myself—I sat on Toronto city council for a short time in the late 1980s and there are many—

**Mr Garry J. Guzzo (Ottawa West-Nepean):** Don't apologize now.

**Ms Churley:** I'm certainly not apologizing. I'm proud to have done that. There was the creation of the Energy Efficiency Act which led to the now famous atmospheric fund. We did a lot: brought in recycling and retrofitting programs, energy efficiency. I did a lot in those couple of years and I'm proud that some of these legacies are still there at city council.

But what I wanted to say was that there were situations where I questioned a couple of times whether some of the meetings we held necessarily had to be held in a private room without any press or public presence.

For most of these matters, the bill requires a judgment about balancing the public interest in openness with the public interest in keeping the matter private. That's a key point. That has got to be balanced. I'm afraid that for all kinds of reasons we've seen many examples where the balance is very clearly tipped the wrong way. My understanding is that this bill is attempting to create a better balance between the private and public interest.

**1140**

Section 4 of the bill imposes a fine of up to \$1,000 on each member of a council or board who was in attendance at a meeting or part of a meeting that improperly excludes the public. I think that is a very important aspect of the bill. That would make all our boards and councillors think very carefully, under guidelines, about whether or not they should be holding meetings behind closed doors. Exemptions are made for members who object on the record or who honestly believe the exclusion was within the bounds of the act.

This doesn't seem to cover a member who arrives late to a meeting. That's something we might be able to fix in committee, because all of us from time to time are late at

meetings. It doesn't deal with that, with members who are unaware the board has passed a motion to exclude the public and forget to object. That's the kind of thing we have to look at. It can and does happen.

Section 5 requires minutes of all council or board meetings to be made available to the public. There are various other sections concerned with making councils and boards accountable for enforcing the rules. The conflict-of-interest provisions are less stringent than those, as I've said before, under the Municipal Conflict of Interest Act. Under the act, to reiterate this, this is something we need to look at strengthening: members can lose their seats if they vote, debate or otherwise try to influence a vote on a matter on which they have a conflict.

Under section 12 of the bill, members violating conflict provisions are only subject to a fine of not more than \$1,000. Section 13 does not say that, if any other act has stricter rules on open meetings or conflict of interest, those stricter rules apply. I'm not quite sure why Ms Di Cocco did not go the whole distance on this.

A schedule lists the organizations the bill applies to.

In closing, I would say to the members who have some problems with the bill, but generally agree with its thrust, let it go to committee so we can place our amendments. This is an important bill before us today and I hope all members will support it.

**Mr Norm Miller (Parry Sound-Muskoka):** I am happy to join the debate today on Bill 95, the Ethics and Transparency in Public Matters Act, put forward by the member for Sarnia-Lambton, the newly named Caroline Di Coccovich.

My colleague the member for Northumberland spoke about the possible effect this bill would have as it applies to agencies and the way in which it would be applied across the province. I think Dr Galt was quite clear in addressing the principle of the bill and I would like to speak about it in some detail.

There are some 300 agencies in the government of Ontario. Of these, this bill would apply to fewer than 20. I'm sure that the member opposite is aware of this and that she has a perfectly logical explanation for this. I look forward to her explanation.

However, what concerns me with this limited scope is that it creates a very different standard for some agencies as opposed to others. Now, some agencies have more restrictions and autonomy from government than others. We all know that. This is not the problem. The problem is that this requirement to make meetings and minutes public would cause some real, practical problems for some agencies. It would create a huge administrative burden that is inconsistent with the goals and possible achievements of the bill.

In my opinion this stems from the fact there is no definition of "meeting" in the bill. Clearly a gathering of this sort would qualify as a meeting. We are all gathered in one place with rules, records and procedures. Indeed it is also public. This could sound like I'm splitting hairs, but if you think much beyond this definition, it is not clear.

Would a committee hearing be considered a meeting? In all likelihood it would. Would subcommittees be considered meetings? I'm quite certain they would. What about a few caucus members discussing something in their office? Is that a meeting? How about casually running into each other in the cafeteria?

I use these examples to show that definitions are important. That's why we put them at the beginning of the bill. I find the absence of "meeting" in Bill 95 apparent.

Now, assume that we had a working definition of "meeting" and were to go about making it public. There's no mention of the procedure that is required to make the meeting or its subsequent minutes public. Would they have to be published, and if so, how widely? Or would it be enough for the minutes not to be secret?

The bill also gives no hint as to the difference between public and accessible. Is it enough in this bill to keep the door open or does there need to be public seating? How much seating should there be?

The bill provides flexibility for each body to establish its own rules but does not say what is acceptable.

The bill seems entirely arbitrary and will only create unequal practices by failing to establish minimum standards or best practices. Of course this is assuming that the agency is covered by the bill, and most agencies are not. And there's more.

Part of the bill deals with conflict of interest and public declaration. First, this is very odd. Most conflict-of-interest policies deal with the private disclosure to an internal officer, not a public declaration that draws in third parties. This is an unnecessary intrusion into the third party's privacy, which, by the way, is totally unrelated to the stated purpose of the bill.

The official opposition is always quick to point out when they see a possible privacy issue in government legislation. I hope that the member opposite will be so good as to show us evidence of her consultations with the Information and Privacy Commissioner in drafting this bill.

I am glad to see that the member opposite is recognizing the importance of public bodies in conducting their business in an open and accountable manner, and I fully agree with her on that point. Public affairs should be open and accessible to a broad base of people, encouraging public input and discussion. However, I don't think the member has fully thought out the possible and potential application of this bill and the implications it will have on public policy.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I am pleased to join in this debate in support and affirmation of that outstanding Erin Brockovich-type member, Caroline Di Cocco from Sarnia-Lambton.

It's been said that good judgment is based on experience and experience invariably on bad judgment. That's code for let's learn from our mistakes and let's put in place the kinds of mechanisms, particularly at a time when we're concerned about security, that will do what we need to see happen to make our democratic public institutions cleaner and more secure.



Is this bill perfect? No, it's not perfect. Is the member presenting this bill willing to see its specific provisions forged in the fires of committee debate? Of course she is. It's been said that none of us is as smart as all of us, although sometimes around this place I wonder. But I would think that if we could get it into committee and have it discussed there, that would make some real sense.

There's never a wrong time to do the right thing, and in that context I want to say for the record that if it's a choice between a defensive democracy contrasted to defending small clusters of influentials meeting in smoke-filled backrooms to make decisions in complete isolation from those who are going to be impacted, I would choose democracy and transparency and ethics every single day of the week.

1150

I speak from some experience, having spent 10 years as a municipal councillor and six as a mayor, frankly often seeking and receiving very good legal advice when there were doubts. In fact we had a lawyer on our council who—although it was never, as you know, under the Municipal Act—in his formal responsibility to give advice was always very cautious about in camera sessions.

By the way, for those who are viewing, “in camera” has absolutely nothing to do with photography. It has everything to do potentially with secrecy, and there are some matters where secrecy is appropriate. I would add that under the Municipal Act the disposal of properties would be something that should properly be an in camera item; it currently isn't, and that's caused some concern.

AMO has written—and I took their concerns very seriously—they are concerned about duplication, and members opposite have spoken at some length about their fear about the potential duplication. That's interesting from a government that's gone from report cards to Bill 46 to add additional public accountability, and now frequent references to a new Municipal Act and new provisions there. I think we ought to worry less about duplication and what I call “spin from within,” and do a little bit more “hopin' to be open.”

**Mrs Bountrogianni:** Small-town talk.

**Mr McMeekin:** Small-town talk, that's right. We understand it back where we come from. Back where we come from, common sense is just that: common sense.

I'm hoping members opposite will find it possible to support this bill and to get it to committee, recognizing that it's very good but it's not quite perfect, and that we can work on it. I think there needs to be, for example, a specific complaints mechanism spelled out. I think the member presenting the bill has quite openly acknowledged that. I think we need to ensure that's there.

I want to just, in the last couple of minutes that I have, talk about a worry that I've had around developments of late. As one who had the privilege of being the mayor of the only municipality in all of Ontario who actually lowered taxes six years in a row without impacting services—

*Interjections.*

**Mr McMeekin:** It's a fine record. And what did you guys do? You put an unelected transition board in place to take the historic independent nature and culture of my community away from us. That's what you did.

Let me talk about the unelected transition board—the member from Hamilton West knows this—that put secret severance provisions in place for the CAO they hired, and then gloated about how the elected council wouldn't be able to get rid of people because of it. Shame on you.

When we went through a mediation process when the government opposite pretended that the town of Flam- borough, the town of Ancaster and the town of Dundas were going to have the right to determine for themselves their future, when you laid that trip on us and you talked about how important it was to listen to the people, you put this so-called board in place so we had a mediation process. We worked through that with our staff people, talking about what it would cost for Flam- borough, Ancaster and Dundas to go their own separate ways. We came up with an arrangement. It was going to cost my town about six million bucks, instead of the \$44 million that eventually got approved by the transition board. If that recommendation had stuck, I would have gone back to the office and signed a cheque and turned that money over right away so that my people could have had the right to do that.

But this government didn't do it. They put a transition board in place that met in private, in secret, and decided over lunch that the mediated settlement that we had worked so hard on would be cast aside.

It's not just amalgamation that transition boards are on; you're doing the same thing to school boards; you're doing the same thing around issues like hospital restructuring and health restructuring. You're putting a scape- goat body in place that can act in isolation from the people who are impacted. There's no accountability; this bill speaks to that. That's why I'm supporting it and hoping and praying that people on the other side will support it too.

**Mr Peter Kormos (Niagara Centre):** I join Ms Churley and other New Democrats in expressing our support for this bill. Like a whole lot of other people here, I was on a small-town city council; other members of caucus have similarly served on city councils or as members of school boards.

Some of the areas the bill addresses that I find particularly welcoming are the re-evaluation of labour negotiations, acquisition of land and security of property or personnel matters that are no longer the refuge—because look at what happens. I think all of us who have been on these boards and councils have seen it and were perhaps shocked and remained shocked during the times we served on those councils, where it became so easy and automatic to identify something within one of those categories, rightly or wrongly, and immediately, of course, the doors slam shut, the press is escorted out and the public is denied their right to know.

In my view, the issue is all about ensuring that the public knows what's being done with their communities,

what's being done with their services, what's being done with their tax dollars in the forums to which they elect people who should be accountable to them more than just at election time, who should be accountable to them on a daily basis and as a result of the scrutiny of the public, either directly or by virtue of the press, the media, which means as an imperative that there be access.

I am disappointed significantly in the government backbenchers' almost pettifoggery in their nitpicking about specific areas. Look, at the end of the day, it's clear that the government doesn't want to support this legislation. It's clear that this government doesn't believe in transparency in government, it doesn't believe in accountability of elected bodies and it doesn't believe—we know this from its own conduct—in the public's right to know what is happening in government. This government uses the public's own tax dollars to the tune of millions and millions upon millions to spin and feed its propaganda, yet at the same time has made it quite clear that it's going to use its majority to suppress this genuine and good effort to create more democracy in those very places where more democracy is needed.

So I call upon individual government members: use this private members' hour in an honourable way. Support the bill. Vote for it. Get it into committee. If the governments want to kill it after that, the government clearly has that power. But get the debate started in a legitimate, open way. If you've got concerns, express them, but express them in committee. Don't hide behind your majority to suppress democracy here in this chamber.

**The Deputy Speaker:** Response?

**Ms Di Cocco:** I heard the debate on all sides of the House. I don't understand why the government members are afraid of a bill that's intended to bring open government and open the doors to discussions that affect the public on a day-to-day basis. This bill is about opening those doors to the in camera meetings. Now there's no penalty if a board goes in camera to discuss public business—a council, a school board, a hospital board. There is no penalty that makes members of that board think twice before they go in camera.

Here we have a whole bill that presents to you as legislators a possibility to improve the way we do public business in this province. There's a lot of nitpicking, as was said, and you don't give the opportunity to debate the fine-tuning of the bill in committee.

This open government bill is about requiring open meetings and more stringent conflict rules for provincial and municipal boards, commissions and public bodies. It introduces a fine of up to \$1,000 for those found guilty for inappropriately conducting meetings behind closed doors and knowingly failing to reveal conflict of interest. It requires a set of rules and public notice of those meetings.

I believe it's important that we continue to restore confidence in the public by requiring open meetings.

**The Deputy Speaker:** This completes the time allocated for debate on ballot item number 24.

## SAFE DRINKING WATER ACT, 2001

### LOI DE 2001 SUR L'EAU POTABLE SAINTE

**The Deputy Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 23. Ms Churley has moved second reading of Bill 3, An Act to restore public confidence in the quality of drinking water in Ontario. Shall the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will take the division on this ballot item following disposition of ballot item number 24.

## ETHICS AND TRANSPARENCY IN PUBLIC MATTERS ACT, 2001

### LOI DE 2001 SUR L'ÉTHIQUE ET LA TRANSPARENCE DES QUESTIONS D'INTÉRÊT PUBLIC

**The Deputy Speaker (Mr Michael A. Brown):** Ms Di Cocco has moved second reading of Bill 95, An Act to require open meetings and more stringent conflict rules for provincial and municipal boards, commissions and other public bodies. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will now deal with ballot item number 23, second reading of Bill 3.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1201 to 1206.*

## SAFE DRINKING WATER ACT, 2001

### LOI DE 2001 SUR L'EAU POTABLE SAINTE

**The Deputy Speaker (Mr Michael A. Brown):** Members will please take their seats.

Ms Churley has moved second reading of Bill 3. Those in favour will please stand and remain standing until recognized by the Clerk.

#### Ayes

Agostino, Dominic	Ecker, Janet	Molinari, Tina R.
Amott, Ted	Elliott, Brenda	Munro, Julia
Baird, John R.	Galt, Doug	Mushinski, Marilyn
Bartolucci, Rick	Gerretsen, John	O'Toole, John
Bisson, Gilles	Guzzo, Garry J.	Ouellette, Jerry J.
Bountrogianni, Marie	Hampton, Howard	Parsons, Ernie
Boyer, Claudette	Hodgson, Chris	Patten, Richard
Bradley, James J.	Hoy, Pat	Peters, Steve
Bryant, Michael	Jackson, Cameron	Phillips, Gerry
Caplan, David	Kennedy, Gerard	Prue, Michael
Christopherson, David	Klees, Frank	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ruprecht, Tony
Clement, Tony	Lalonde, Jean-Marc	Sampson, Rob
Colle, Mike	Levac, David	Sergio, Mario
Conway, Sean G.	Marchese, Rosario	Smitherman, George
Crozier, Bruce	Marland, Margaret	Stockwell, Chris
DeFaria, Carl	Martel, Shelley	Tilson, David



Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Dunlop, Garfield

Martin, Tony  
Martiniuk, Gerry  
Mazzilli, Frank  
McMeekin, Ted

Tsubouchi, David H.  
Turnbull, David  
Wood, Bob  
Young, David

#### Nays

Baird, John R.  
Clement, Tony  
Ecker, Janet  
Elliott, Brenda  
Galt, Doug  
Hastings, John  
Hodgson, Chris  
Johnson, Bert

Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Sampson, Rob  
Spina, Joseph

Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tilson, David  
Tsubouchi, David H.  
Turnbull, David  
Young, David

**The Deputy Speaker:** Those opposed will please stand and remain standing until recognized by the Clerk.

#### Nays

Hastings, John  
Johnson, Bert

Maves, Bart  
Miller, Norm

Stewart, R. Gary

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 63; the nays are 5.

**The Deputy Speaker:** I declare the motion carried.

Pursuant to standing order 96, this matter will be referred to the committee of the whole House.

**Ms Marilyn Churley (Toronto-Danforth):** Mr Speaker, I would ask that Bill 3 go before the general government committee.

**The Deputy Speaker:** Ms Churley has asked that the bill be referred to the standing committee on general government.

All those in favour of having the bill referred to the standing committee will please rise.

All those opposed will please stand.

The majority is in favour. This bill will be referred to the standing committee on general government.

Before dealing with ballot item number 24, I would ask that the doors be open for 30 seconds.

### ETHICS AND TRANSPARENCY IN PUBLIC MATTERS ACT, 2001

### LOI DE 2001 SUR L'ÉTHIQUE ET LA TRANSPARENCE DES QUESTIONS D'INTÉRÊT PUBLIC

**The Deputy Speaker (Mr Michael A. Brown):** Ms Di Cocco has moved second reading of Bill 95.

All those in favour will stand and remain standing until recognized by the Clerk.

#### Ayes

Agostino, Dominic  
Amott, Ted  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Colle, Mike  
Conway, Sean G.  
Crozier, Bruce  
DeFaria, Carl

Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Dunlop, Garfield  
Gerretsen, John  
Guzzo, Garry J.  
Hampton, Howard  
Hoy, Pat  
Kennedy, Gerard  
Kormos, Peter  
Lalonde, Jean-Marc  
Levac, David  
Marchese, Rosario  
Martel, Shelley  
Martin, Tony

Mazzilli, Frank  
McMeekin, Ted  
Mushinski, Marilyn  
O'Toole, John  
Ouellette, Jerry J.  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ruprecht, Tony  
Sergio, Mario  
Smitherman, George  
Wood, Bob

**The Deputy Speaker:** All those opposed will please stand and remain standing until their name is called.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 45; the nays are 23.

**The Deputy Speaker:** I declare the motion carried.

**Ms Caroline Di Cocco (Sarnia-Lambton):** On a point of order, Mr Speaker: I'd like the bill referred to the public accounts committee.

**The Deputy Speaker:** The member for Sarnia-Lambton has asked that it be referred to the public accounts committee. Agreed?

All in favour will stand and remain standing while they are counted.

All those opposed will please stand.

The majority is in favour. The bill will be referred to the public accounts committee.

All matters relating to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

*The House recessed from 1216 to 1330.*

### MEMBERS' STATEMENTS

#### BRUCE FORBES

**Mr Dave Levac (Brant):** It's with great honour and sadness that I stand here today to remember the life of one of my riding's most beloved citizens. Bruce Forbes, or RB as he was known to his family and friends, died at the age of 79 in a Hamilton hospital early last Friday after suffering an aneurysm.

Recognized across Canada as Mr Golf, Bruce was elected an honorary life governor of the OGA in 1968 and became executive director of the Royal Canadian Golf Association in 1970, a position he held until 1978 when he was elected an honorary life governor of the Royal Canadian Golf Association. In 1987 Bruce was elected to the Canadian Golf Hall of Fame, and to the Ontario Golf Hall of Fame in 2000.

For all members present, you should note that Bruce was the one who secured Jack Nicklaus to design Glen Abbey golf course.

Although he was best known for his contributions to the game of golf, Bruce was a proud Canadian and was deeply involved in the community of Brant. Bruce joined the army reserve in 1940 and in August of 1942 was sent overseas as a replacement officer for the Dieppe landings.

After being elected to the Brantford Public Utilities Commission in 1960, Bruce also tried his hand at politics at the provincial level by running in 1967 as a Liberal.

Bruce was also a Rotarian in the community, and this week was the first time ever he did not attend a weekly meeting in 55 years.

Bruce is survived by his wife Nancy, sons Jim and Bob and daughter Susan, all of Brantford. He was a wonderful person. He was a classy guy. He was a gentleman and a citizen and a friend. His legacy will remain for ever and ever. Our prayers to Bruce Forbes and his family.

### FIREFIGHTERS

**Mr Frank Mazzilli (London-Fanshawe):** I need not remind anyone sitting in this Legislature of the horror of the attacks of September 11. Our television sets constantly flashed images of destruction. Our television sets also showed us the images of hurt and sadness. We felt the pain of the loss of life.

We also recognized the lost lives of the New York fire department. We heard that over 250 firefighters lost their lives that day and we paused to remember them.

We must also recognize those firefighters who risk their lives each and every day to keep the rest of us safe.

This evening in London the office of the fire marshal of Ontario will recognize certain individuals who have dedicated 20, 25 and 30 years of their lives to save lives. I would like to take this opportunity to recognize and congratulate the London recipients of the fire service's Long Service Medal. They are Captain Frederick Beck, Captain David Becroft, Captain Michael Black, Captain Paul Carew, Deputy Chief Robert Hansen, Captain Terrance Harper, Captain Morley Haynes, Captain John Kenney, Captain John Lawrence, Captain William Lawrence and Captain Kenneth Purdy.

I would also like to recognize five others for 20 years of personnel service in administration: Linda Morton, Deborah McCutcheon, Deborah Fisher-Morin, Katherine Dunham and Catherine Winter.

To hit a 20- or 30-year milestone in any career is an achievement and I'm happy to recognize the outstanding efforts of these individuals.

### EARLY LEARNING STRATEGY

**Mr Gerard Kennedy (Parkdale-High Park):** I rise today to help the people of Ontario understand what many of them shake their heads about, which is the lack of action by the Minister of Education when it comes to making sure that kids can learn.

An early learning strategy was talked about by the minister earlier this week. I'm sad to report to the people of Ontario that this strategy contained a focus on 16 schools out of approximately 4,000 in this province. That will reach one half of 1% of the kids in grades 1 to 3, when the tests this government has had for the past three years, and a leaked document showing that they expect the same this year—there is no improvement and in fact is not meeting the standard for half of the elementary students in this province.

The government, instead of actually attacking that problem and dealing with it, has 66% of these kids sharing textbooks, 25% fewer special-ed teachers in elementary schools, 25% fewer English as a second language, 41% less access to psychologists to help kids learn. In short, they have created part of this problem, and they're doing nothing substantial to fix it. Instead, we have a token announcement from a token minister not prepared to stand up and fight for the resources and fight for the ability to make sure that kids really do have a decent chance at learning in the early years.

We have heard nothing but applause from the members in the government caucus that there are children in their ridings that need to be able to learn, that need to be able to have math, that need the smaller class sizes Dalton McGuinty promised them, that need the extra resources the Liberal Party has said it will provide in smart, intelligent ways. They have left them alone to the token advertising that costs more than the announcement that was made.

### NEWMARKET GIRLS SOFTBALL TEAM

**Mrs Julia Munro (York North):** I rise today to pay tribute to the Newmarket Minor Softball Association, the Mite girls team. The Newmarket Stingers Bare Naked Ladies/Business Depot Mite Girls rep team is a group of nine- and 10-year-old girls in their first year of playing competitive rep ball. They represent the town of Newmarket and the Newmarket Minor Softball Association in league play in Newmarket, Whitby, Pickering, Markham and Oak Ridges. As well, they played in several tournaments across the province this summer: Whitby, Oshawa, Barrie, Mississauga and Chatham.

This group of talented and very fortunate young ladies won a medal in every tournament they attended, collecting one gold, three silver and one bronze. In addition, in August in Newmarket, the girls came second out of 13 teams to win a silver medal in the Provincial Women's Softball Association Mite tier 2 provincial grand championships, and their catcher, Kelsey Darcy, was selected as the tournament's most valuable player.

Playing softball at a competitive level may have its rewards in the future for some of these girls. Several players from Newmarket have in the past been awarded softball scholarships to American universities and colleges. There is also the possibility of making it to the Canadian Olympic softball team.

The most important aspect of playing on a team is all about being a team player, good sportsmanship, dedication and commitment. These lessons will carry them far in life.

### TOM JOY

**Mr Dwight Duncan (Windsor-St Clair):** I rise to pay tribute today to a gentleman who was known, I think, by all members of this House, or certainly a good number of them: Tom Joy. Tom was the president of Windsor Race-



way and a huge philanthropist in our community. He succumbed to cancer this past Tuesday.

He had a remarkable life and career; remarkable is the only way to describe it. He was born in St Catharines. Many great people come from St Catharines; he's only one of them. He served in the United States military for many years. He developed a business sense, an instinct, that made him millions upon millions of dollars.

Relatively late in life he acquired the Windsor Raceway, and it was because of his vision that that raceway was saved. He truly had a great impact on that industry and many others.

Mr Joy, you'll be aware, was the first manufacturer of Canadian flags. He set up a company at the request of Mr Pearson after the passage of the Canadian flag bill in 1964.

Most of all, he was a great philosopher, a friend to our community, a friend to our province who gave back much more than he ever took.

He is survived by his daughter and his beloved grandson. He lost his wife less than a year ago, and in some sense I'm sure he's happy to be with her.

He was a great citizen of this province, a great citizen of this country, and I know all members of the House join me in saluting Tom Joy.

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** On a point of order, Mr Speaker: I would like to express our support for the statement which was just made by Mr Duncan. We fully support every statement he says, and we believe that Tom Joy was a great asset to our province and our country. I thank him for bringing that statement to the House today.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: New Democrats would be remiss if they did not join with the sentiments expressed and share in the views expressed by Mr Duncan with respect to Mr Joy. We have certainly joined and we share in what is undoubtedly a sense of loss and grief.

1340

#### SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Toronto-Danforth):** The opposition enjoy very few victories in this Legislature, but we scored this morning, big time. Bill 3, the NDP Safe Drinking Water Act, passed second reading this morning in private members' hour. More importantly, the Tories failed in their attempt to kill it by sending it to the committee of the whole House like they did the last time. This bill passed second reading. They simply didn't have the numbers. They lost the vote.

However, I want to be gracious in my victory. I want to thank all of the members who supported this bill. I particularly want to thank the Liberal caucus, who brought in the numbers, in combination with our numbers, to defeat the Tories in their bid to kill the bill.

I want to say, however, that this bill, yes, is a victory—

*Interjection.*

**Ms Churley:** No, you just didn't have the numbers—it is a victory for me and my caucus, but it is really a victory for all of Ontario. In particular, it is a victory for the citizens of Walkerton. This is something that, since the Walkerton tragedy, the citizens' group there has been calling for. This is something that many environmental groups across the province had been calling for. This is a victory for all of those people who helped me put this bill together, the experts in the field. I want to thank all of them for their support and the work that they put into this bill, and I look forward to working with all members of the Legislature in passing this bill into law.

#### PROGRESS CAREER PLANNING CENTRE

**Ms Marilyn Mushinski (Scarborough Centre):** I want to recognize an organization in my riding that is currently celebrating its fifth anniversary.

The Progress Career Planning Centre has been providing career counselling services for the past five years to the residents of Scarborough. It's a privately incorporated non-profit organization that was originated in the fall of 1996 by the Scarborough Board of Education and Centennial College. It's a thriving, creative organization that provides career development services to a diverse client group. The centre offers career coaching and guidance to motivate clients to see the big picture of their individual career management and personal goals.

In addition, the centre assists individuals and companies to achieve their human resource potential by helping them make strategically viable short- and long-term career and employment decisions. Services they provide include individual employment counselling, vocational assessment, academic assessment, career decision-making, employment-related workshops etc.

In keeping with our philosophy of giving people a hand up rather than a handout, I extend my congratulations to the hard-working, dedicated people of the Progress Career Planning Centre on their fifth anniversary. They truly are making a difference.

#### NUCLEAR SAFETY

**Mr George Smitherman (Toronto Centre-Rosedale):** The horrific events of September 11 have turned our lives upside down. Ontarians are striving to regain confidence, yet in the Legislature yesterday we gained fresh evidence that the safety of our nuclear facilities, one of our most obvious vulnerabilities, is not being treated seriously. The Minister of Energy sounded more like the minister of boater safety.

It is not good enough that we react to events that compromise public confidence. We must take proactive steps to enhance public confidence and safety. Yet we have seen from the government of Ontario no interest in making our nuclear facilities more difficult to access.

Is the decision to continue promoting the Bruce Power plant as a safe haven for boaters consistent with ensuring public confidence? The government's own security czar,

Lewis MacKenzie, is quoted as saying, "Out of every tragedy there is some good, not the least of which is enhanced security." I would not have used those words, but it seems that even this sentiment is lost on the Minister of Energy.

Yesterday the Harris government spent \$1 million to tell Ontarians that they should feel secure, and yet among the 433 words, there was not one syllable about Ontario's nuclear facilities. When we demand to know what specific efforts they are taking to enhance the security of our nuclear power facilities, we are criticized. Yesterday in this House the Minister of Energy tossed about the word "scaremonger." On the opposition side, we have a responsibility as well to hold the government to account, and I would sooner ask these difficult questions now than say "I told you so" later. That's the spirit that ought to inform this minister's actions.

#### ROYAL CANADIAN LEGION BRANCH 124

**Mr Garfield Dunlop (Simcoe North):** This is a statement on behalf of Mr Maves.

Niagara-on-the-Lake's Royal Canadian Legion Branch 124 just recently held their annual honours and awards dinner, on Friday, September 28, 2001. This special occasion honoured many of the Legion's finest with awards for years of membership. I would like to take this opportunity to acknowledge each of the awardees.

Congratulations to Harold Clement, R.P. Howse, Nicholas P. Marino and Reginald Stewart, all 55-year life members. The 55-year ordinary members included Edward S. Andrews, Allen Bradley, Joseph M. Grimstead, Robert G. Hunter, W. Martens, L. Niven, Harvey Shred, Percy Stevens, Tom Quinn and Roy Tranter. Also, congratulations to 50-year ordinary members Cecil Pitt, Charles W. Davis and John T. Bradley.

These individuals' commitment and contributions do not go unrecognized by this government. Every year Legions hold their annual awards nights and I am pleased that this year our own Minister of Citizenship, Cam Jackson, helped launch Legion Week, from September 16 to 22.

In a recent press release, Minister Jackson praised veterans and encouraged that, "Ontarians seize every opportunity to recognize and celebrate the long and continuing contribution of our war veterans. Veterans in this province represent our living heritage and they deserve our profound appreciation for their sacrifices."

#### JEAN POIRIER

**Mrs Claudette Boyer (Ottawa-Vanier):** It is with great pride and pleasure that I announce to this House that one of our former colleagues, the former member for Prescott and Russell, Mr Jean Poirier, will be awarded the prestigious Séraphin-Marion prize from the Société Saint-Jean-Baptiste of Montreal this Saturday, October

13, right here in Toronto, just a few blocks away from where he served in this Legislature.

Ce prix, nommé en l'honneur du feu Séraphin Marion, un homme qui a consacré sa vie à la lutte pour le français en Ontario, est décerné annuellement à une personne qui s'illustre parmi les communautés francophones et acadiennes du Canada.

John Poirier served as a Liberal member from 1984 to 1995, winning four consecutive elections for his riding of Prescott and Russell. He was also deputy minister from 1987 until 1990.

M. Poirier est reconnu comme un grand défenseur des droits de la francophonie de cette province, oeuvrant principalement à l'ACFO. Plusieurs d'entre nous savons avec quelle verve et quelle énergie il se donne, corps et âme, aux projets qu'il entreprend. Le communiqué de presse émis par la Société Saint-Jean-Baptiste dit, et je cite : « Depuis plus de 30 ans, Jean Poirier mène inlassablement une campagne de défense et de promotion du français en Ontario. »

J'invite tous mes collègues à applaudir M. Jean Poirier, récipiendaire du prestigieux prix Séraphin-Marion.

Let us offer Jean Poirier our heartiest congratulations.

#### SPEAKER'S RULING

**The Speaker (Hon Gary Carr):** On Monday, October 1, 2001, the member for St Catharines rose on a point of privilege concerning the annual report of the Environmental Commissioner. According to the member, the statements in the report about the Ministry of the Environment's management of hazardous waste issues suggested that the ministry was in contempt of the Legislature for impeding and obstructing the commissioner, who is an officer of this House. In particular, the member quoted the part of the report that indicated that the ministry had misled its clients and the commissioner about the scope of a policy review, thereby undermining public confidence in the ministry. The government House leader also made submissions on this matter.

I have had the opportunity to review the Hansard for that day, the commissioner's annual report, the written submission of the member for St Catharines, and the relevant authorities and precedents.

The member for St Catharines referred to some of the authorities dealing with obstruction of House officers. To this, let me add that the member will also be aware of a series of rulings delivered in June 2001 in the wake of points of privilege that various statutory officers of this House were being obstructed by the government.

In the first ruling, on June 19, 2001, which dealt with the report by the Information and Privacy Commissioner, the Speaker ruled as follows:

"There was no mention in the commissioner's report that the commissioner was being hindered or obstructed. The report was simply expressing serious reservations about the impact of the government's policy, and it was requesting a change in that policy. Unlike the situation that was the occasion of my May 18, 2000, ruling re-



specting the commissioner's Special Report on Disclosure of Personal Information by the Province of Ontario Savings Office, Ministry of Finance, this report does not specifically state, in very clear terms, that the government was deliberately obstructing her investigation of a specific file."

Secondly, on June 21, 2001, in a ruling dealing with a report by the Ombudsman, the Speaker ruled that the report did not assert that the Ombudsman was being obstructed wilfully, maliciously or without valid or justifiable reason by a government ministry, or that he required the assistance of the House to perform his duties.

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Thirdly, on June 25, 2001, in a ruling dealing with the report of the Environmental Commissioner, the Speaker ruled that the report simply expressed criticisms and frustrations about inaction by a government ministry. It did not allege that the ministry was obstructing, frustrating or hindering the officer in the performance of his duties, or that the minister was attempting to do so. In reporting to the House, the Environmental Commissioner was simply fulfilling the statutory duties. As with two other rulings, a prima facie case of contempt was not made out.

In the case at hand, the report of the Environmental Commissioner expresses profound concerns about environmental issues and a request that those concerns be addressed, but it does not indicate that the Environmental Commissioner was being hindered or obstructed in the performance of his duties in the meaning of the ruling I have just referred to. The circumstances fall well short of what is required to establish a prima facie case of contempt, and I so find.

I thank the member for St Catharines for raising his concern as it afforded me an opportunity to address this very important issue.

## INTRODUCTION OF BILLS

### LOI DE 2001

#### SUR LES LANGUES DE LA CAPITALE DU CANADA (OTTAWA)

#### CAPITAL CITY OF CANADA (OTTAWA) LANGUAGES ACT, 2001

Mr Lalonde moved first reading of the following bill:

Projet de loi 108, Loi prévoyant une politique sur les langues française et anglaise pour la ville d'Ottawa / Bill 108, An Act to provide for an English and French languages policy for the City of Ottawa.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** La Loi de 2001 sur les langues de la capitale du Canada (Ottawa), Capital City of Canada (Ottawa) Languages

Act, 2001, modifie la Loi de 1999 sur la ville d'Ottawa en vue d'exiger que la ville d'Ottawa dispose d'une politique sur les langues française et anglaise en ce qui concerne l'administration de la cité et la fourniture au public de ses services municipaux.

The bill amends the City of Ottawa Act, 1999, to require the city of Ottawa to have an English and French languages policy relating to the conduct of the city's administration and the providing of its municipal services to the public.

La ville d'Ottawa est la capitale du Canada, un pays bilingue dont les deux langues officielles sont le français et l'anglais. En tant que capitale, elle constitue le lieu de résidence d'un nombre important de francophones et d'anglophones, y compris une grande population franco-ontarienne, une population bilingue encore plus grande. Il est approprié de veiller à ce que les résidents de la cité reçoivent une gamme complète des services municipaux en français et en anglais.

Bilingualism is a vital asset for the economic development of the city of Ottawa. Ottawa is acknowledged as one of the major high-tech centres in Canada and North America. Recognizing in law the bilingual character of the city would form a key element of the city's strategy to continue to attract investment and qualified human resources.

This is not a French bill or an English bill. This is a bill of fairness. Thank you.

## VITAL STATISTICS

### STATUTE LAW AMENDMENT ACT (SECURITY OF DOCUMENTS), 2001

### LOI DE 2001 MODIFIANT DES LOIS EN CE QUI CONCERNE LES STATISTIQUES DE L'ÉTAT CIVIL (SÉCURITÉ DES DOCUMENTS)

Mr Sterling moved first reading of the following bill:

Bill 109, An Act to enhance the security of vital statistics documents and to provide for certain administrative changes to the vital statistics registration system / Projet de loi 109, Loi visant à accroître la sécurité des documents de l'état civil et prévoyant certaines modifications administratives au système d'enregistrement des statistiques de l'état civil.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### SECURITY OF VITAL DOCUMENTS

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** The horrible and despicable acts committed in New York City, Washington, DC and

Pennsylvania on September 11 call upon governments to pursue action which may help to prevent future attacks on innocent men, women and children.

As the Premier announced in his message of hope and action on Monday, October 1, the government intends to go forward quickly to introduce new security measures in Ontario. Fortunately, my ministry was working on major revisions to our vital statistics legislation. September 11 accelerated that process.

As the Minister of Consumer and Business Services, I am the Registrar General and responsible for the issuance of birth, marriage and death certificates. I'm sure you will agree, Mr Speaker, that the fundamental rights to security and freedom start with the assurances that people are who they say they are. At this time, I wish to introduce legislation to improve the security of vital documents.

I ask for all-party support to see this legislation swiftly brought into force to better protect the people of Ontario and those people outside our borders. It is also important for us to hear any constructive suggestions to make this bill as effective as it can be.

As much as I wish the tragic events of September 11 had not happened, they have forever changed our time. While we have no evidence that Ontario vital documents have been misused to assist in any acts of terror, we believe it is prudent to move quickly to increase security. We are proposing a three-pronged approach to improving vital document security.

The first step is the proposed legislation, which I bring forward today. This would allow the government to take the appropriate steps to further safeguard the integrity and the security of vital documents, starting with the most fundamental, the birth certificate. Under the proposed legislation, individuals would be required to report lost or stolen certificates. This information will be shared with other programs issuing vital documents.

The second part of our approach is a series of changes in procedures. Effective immediately—that is, today—a new application form for birth certificates is in place. This form is available on the Internet from my ministry. Most notably, the new form requires more information and the signature of a guarantor to support entitlement. The guarantor would have to have known the applicant for at least two years, be a Canadian citizen, and be in a specified profession, such as a judge, police officer, mayor, MPP or lawyer.

The third step in protecting vital documents must be made by the people of Ontario. Ontarians can help protect themselves, not through any miracle of technology but through simple, sound day-to-day practices. I am told that many people carry their birth certificates in their wallets all the time. I strongly advise against that practice. People should keep their vital documents in a safe place, and only carry them when they are needed for travel, to make application for a passport or some other important activity.

A lesson we have sadly learned is that the crime of identity theft can be used to cover many kinds of illicit

activities. Identity theft—the use of someone else's identification—is considered by many analysts as the number one crime in the United States and is considered high on the list here in our own country.

One of the prime ways to halt identity theft is to keep personal documents secure. To assist, our proposed legislation would require any lost, stolen or destroyed birth certificates to be reported so that they could be tracked and deactivated. Anyone who finds a birth certificate would be required to forward it to the Office of the Registrar General or deliver it to the police or a lost-and-found service.

Finally, to help track certificates more effectively, the province has been working on plans to modernize the Office of the Registrar General's information technology systems and improve service to the people of Ontario, and we want to accelerate that work now.

#### 1400

This overhaul began in the fall of 2000 when the ministry asked the Ontario Provincial Police to conduct an audit of the Office of the Registrar General. Most of the recommendations made have been implemented and are underway. We know what needs to be done and we will be moving quickly to act on the remaining recommendations.

In our expanded security program, another OPP audit of the operation is planned to determine that all of the appropriate security measures are in place and to identify further improvements that are necessary.

Around the world, concerns have been raised that measures proposed by democratic governments to combat terrorism could undermine the very freedoms they are intended to protect. Let me assure you that the Ontario government will continue to protect the privacy of individuals while providing increased security for vital documents. Protection of personal privacy has been a watchword in our deliberations on how we move forward with vital document security.

As a further step, I have written to my counterparts in other provinces, the federal government and territories, and will soon be in touch with colleagues at the national level to bring together a working group of vital document providers. This group will be dedicated to making the use of improper documents more difficult.

To review the proposal once again: Ontarians would be obliged to report lost, stolen or destroyed birth certificates; any missing birth certificate would be deactivated; information on deactivated documents would be shared with other government identity programs, such as the federal passport office; fines will significantly increase for wilfully providing false information when applying for vital documents; Ontarians would only be entitled to one valid birth certificate.

With these measures in place, identity theft would be more difficult, tracking fraudulent use of vital documents would be more effective, and criminals would face more severe penalties.

I began by talking about a tragic event one month ago which accelerated amendments to an act to protect us



from future terrorism. On the other side of this equation, we have the registration of births that can be a symbol of our future.

By coincidence, this very morning, October 11, at 10:15 am, my daughter Sara and my son-in-law Normond gave birth to my beautiful third grandchild, Madelaine. Perhaps, with your co-operation, she will be the first registrant under her grandpa's new legislation.

#### NORTHERN HEALTH TRAVEL GRANT

##### FRAIS DE TRANSPORT AUX FINS MÉDICALES

**Hon Tony Clement (Minister of Health and Long-Term Care):** I rise in the House today to inform this House that, thanks to the Mike Harris government's commitment to ensure access to quality health care, regardless of location or means, our government is enhancing Ontario's northern health travel grant program.

As you know, the northern health travel grant program is a two-pronged initiative to ensure access to health services in sparsely populated areas of northern Ontario. The first strategy helps to defray part of the travel costs of northern Ontario residents who must travel to receive insured, medically necessary specialist care not currently available in their area.

The second strategy recruits and retains health care specialists to serve patients in the north. I am pleased to share with both sides of this House the fact that since our government took office, 238 general and family practitioners and 163 specialists have been recruited to the north, and that is worth celebrating.

This means even more quality health care is now available to the people of northern Ontario without the time and worry of long distance travel. But beyond this, today I am pleased to announce that we are increasing our financial support for northern health travel. I think that is worth celebrating.

This enhancement reflects the increasing cost of travel for patients, and this is of particular importance to northern Ontario residents as it means they will be better compensated when travelling long distances for specialized medical care.

Nous avons pris note des inquiétudes exprimées par les nord-Ontariens. Cette expansion inouïe du programme, qui est non seulement permanent mais l'un des plus généreux de ce type au Canada, montre notre engagement. En fait, le gouvernement Harris consacre au titre du transport des patients un montant supérieur à celui dépensé par toute autre province.

We are very proud of that.

Our expanded commitment takes effect November 1, 2001, and entails an increase in the reimbursement rate for northern residents who travel at least 100 kilometres to receive specialized medical care.

Those who are eligible for the grant will see an increase amounting to 34.25 cents per kilometre, up from the previous 30.5 cents per kilometre, and it's important to note that reimbursements will now be based on the

total return-trip road distance to the nearest medical specialist or medical facility.

Given the number of quality health care facilities and the excellence of health care professionals in northern Ontario, I can say with confidence that Ontario offers one of the best health care packages available to residents in any northern jurisdiction in this country. I want to emphasize that the northern health travel grant continues as a permanent program for which all northern residents are eligible.

Since 1999, there has been a temporary travel assistance program in place as part of our priority to reduce radiation waiting lists. This program, which was offered by Cancer Care Ontario and is known as the Cancer Care Ontario radiation re-referral policy, covered all travel expenses for all breast cancer and prostate cancer patients from any region in Ontario.

I am pleased to say in this House that Cancer Care Ontario has announced that all patients in southern Ontario are now being referred to clinics closer to home for radiation treatment, and that is well worth celebrating as well.

It will no longer be necessary for cancer patients outside the north to travel to radiation treatment centres in Thunder Bay and Sudbury. Southern Ontario now has more radiation capacity because CCO has significantly increased staff, upgraded equipment, extended hours and opened an after-hours clinic at the Toronto-Sunnybrook Regional Cancer Centre.

Please allow me the opportunity to take a moment to pay tribute to Cancer Care Ontario's Ken Shumak, who passed away last night. Former president and chief executive officer of Cancer Care Ontario, Dr Shumak championed the after-hours clinic that makes, and will continue to make, such a difference to so many cancer patients. We mourn his passing and treasure his complete legacy.

Re-referral of breast cancer and prostate cancer patients to the north and to the United States began in 1999 as a temporary measure to meet the need for radiation treatment for breast and prostate cancer, while CCO increased capacity to provide radiation services where needed. Cancer Care Ontario ended the US referrals this past May.

The greatest need for re-referral was in the greater Toronto area. Now, however, more patients are being treated at regional cancer centres, at the Princess Margaret Hospital and at the after-hours clinic. As well, cancer centres across Ontario have extended operating hours to treat more patients sooner, and more radiation therapists and oncologists have been hired.

We're proud that our government's efforts, in conjunction with Cancer Care Ontario, have been so successful. Now we want to anticipate the future needs for cancer care so we can ensure patients will have access to treatment closer to home.

#### 1410

Our government has already made significant strides in improving access to cancer care. In fact, since we took office in 1995, we have increased funding for cancer

treatment by more than \$328 million. As well, we have committed to three new cancer centres in Kitchener-Waterloo, Peel and Durham. Another cancer centre in St Catharines and a satellite cancer centre in Sault Ste Marie are in the works.

We hope to build on these successes through our other commitments that we have made to improve access, including the establishment of a northern medical school in Sudbury and Thunder Bay. That will be a great improvement for northern Ontario.

The expansion of the northern health travel grant program and the successful continuation of our specialist recruitment and retention initiatives in northern Ontario, for northern Ontario, exemplify our government's continued commitment to ensure a health care system that provides quality, integrated and accessible health services to the people of Ontario. That means health services at every stage of life and as close to home as possible.

Unquestionably, our commitment applies to every person in Ontario, no matter where they live in our vast province or what means they have.

Thank you very much for the opportunity to explain this program.

#### TOURISM

**Hon Tim Hudak (Minister of Tourism, Culture and Recreation):** I rise today to update the House on Ontario's new and exciting tourism marketing plan. As we all know, the tourism industry is facing challenges following the terrible events of September 11.

At the one-month anniversary I would like to again offer my condolences to our American friends and neighbours who, a month ago today, were victims of terrorist attacks designed to demoralize and destabilize the United States and the entire North American economy. Coming from Niagara, I know that many of my neighbors and constituents have been directly affected as well and my heart is with them.

Just the other day I spoke with my American counterpart, Brian Ackley, to offer encouragement from Ontario. I was impressed with New York state's plan and their fierce determination to bounce back from this tragedy. We both agreed that it is more important than ever to continue and aggressively promote our bi-national tourism opportunities.

Here in Ontario we're working very hard as well to support those industries here at home that have been affected. I'd like to say to those hundreds of thousands who work in Ontario's tourist attractions, hotels, resorts or restaurants that the Mike Harris government is working to help create an economic climate that will allow the tourism industry to create even more jobs in the years ahead.

In the weeks since the attack, I have held two tourism summits, bringing together leaders in the industry to develop with them an action plan to help the industry grow and reach new heights, despite these challenging times. During my tour of 101 events this summer, I

continued to be impressed with the character and determination of those who work in this industry.

Today I am pleased to announce a new, enhanced and improved marketing plan from the Mike Harris government to encourage people to visit and travel in the province of Ontario. For the fall, winter and spring seasons, we will be investing an additional \$4 million in a marketing strategy to promote what Ontario has to offer to the world, representing about a 35% increase in our key markets. This is a record investment in marketing in Ontario and we'll be launching a brand new television and radio campaign and stepping up advertising in all media, including newspaper inserts and e-marketing.

Within six hours' drive of the province of Ontario is a population of 30 million people. For the first time ever, Ontario will promote its fall and winter products in American border markets, beginning with a television advertising campaign starting at the end of this month. Our new aggressive multimedia campaign will also include three direct mailings in the fall, winter and spring seasons, and we will support our television, print and direct mail initiatives with e-marketing that will help sell niche experiences like snowmobiling, adventure tourism and angling.

In addition to our advertising campaign, \$400,000 will be devoted to new tourism research initiatives. We will monitor patterns in the tourism industry, project short- and medium-term visitor flow patterns to and from Ontario, and help share this information with our industry colleagues from one corner of the province to the other.

Our goal through our Web sites and our weekly bulletins is to make sure that tourism leaders have the latest information to make sure that they are adjusting their marketing programs accordingly.

In closing, I want to encourage all Ontarians to get out and discover anew all there is to see and do in this wonderful province. Whether it's Winterlude in Ottawa or WinterFest in Fort Erie, Niagara's wine country, the fall colours in Muskoka, theatre in Toronto or the casino in Windsor, there are great things to see and do. I say to our friends across the border, Ontario welcomes you and we look forward to your return. With our new plan, we will send a clear message to the world that in Ontario there truly is more to discover.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Rick Bartolucci (Sudbury):** The Minister of Health's announcement today is indeed a victory for northerners. It is a victory of right over might. It is a victory for Gerry Loughheed Jr and Janice Skinner and all the members of OSECC and the 100,000 people from Kenora to Parry Sound, from Sault Ste Marie to North Bay and Mattawa who signed the petitions to try to convince this government that indeed their northern health travel grant wasn't sufficient.

It is a victory for people in the opposition who voiced the concern of northerners for two years trying to get this government to understand: a victory for Dalton Mc-



Guinty, Lyn McLeod and the members of the Ontario Liberal caucus who have worked tirelessly to try to get this government to make the concession they made today.

But this is only a good first step. It is indeed a victory for northerners, it is indeed a good first step. But the reality is that the people of the north are a little concerned today that the Minister of Northern Development and Mines in North Bay, in making the announcement, when asked about those who had to travel for cancer, said, "I'm not dealing with that today."

Indeed, the people of northern Ontario want this minister and the Minister of Health to deal with the discriminatory policy that was in place. It is also a concession that for two years this government said there was no problem with the northern health travel grant. They found they were wrong. Their own study, dated August 2000, told them that. So for two years this government tried to shortchange the people of northern Ontario. That's not right. Today was a good first step. We in the opposition will continue to advocate for those who are discriminated against.

#### SECURITY OF VITAL DOCUMENTS

**Mr Mike Colle (Eglinton-Lawrence):** Shamefully last week, when our leader Dalton McGuinty brought to the attention of this House that there was a real problem with how easy it was to get a birth certificate in this province, members on the government side laughed and said it wasn't a problem. I think they should apologize for not listening to the good recommendation our leader made.

I hope this government does more than spend millions of dollars on feel-good newspaper ads about doing something about the security of Ontarians. We need a government that listens to the opposition. We need a government that co-operates with our federal government. We need a government that does something about our power and water plants, which we brought to your attention. Instead of spending money on newspaper ads, listen to the opposition and do something about security.

**Mr John Gerretsen (Kingston and the Islands):** Indeed it is a very rare occasion when the government of the day doesn't just take one good idea from the opposition, not two good ideas from the opposition, but indeed implements three good ideas the opposition has come up with.

With respect to the birth certificates, we applaud the minister. With respect to northern health travel grants, we applaud the minister and say, do something for the cancer patients of northern Ontario as well. With respect to the tourism minister, I applaud you, but why couldn't you have spent at least another \$1 million that you wasted yesterday on these feel-good ads? You could have put it into advertising. You and I know that the tourism industry in Ontario is a \$16.5-billion industry. It employs hundreds and thousands of people. Those people are hurting. They need help from government to make sure we care for our tourists.

We indeed have a province we're all proud of, that we want to share with the rest of the world. We want people to come from all over the world to enjoy the natural beauty and the man-made beauty of this province. I suggest to the minister that there are many other ways in which his ministry could be involved in making tourism a greater reality for the province of Ontario.

There are so many things the government could learn by taking the good, positive recommendations from the Liberal opposition, which we come up with on a day-to-day basis, and implementing them. After all, at the end of the day, people really don't care who passes the laws. What the people really care about is whether the public policy that is put into force for this province is for the benefit of all the people. All the people of Ontario win when we put more money into tourism, when we treat all patients—cancer patients and other health care users of the system—equally throughout the province. I say this is a good step. Listen to us more often and you will be on the right path.

1420

#### TOURISM

**Mr Tony Martin (Sault Ste Marie):** The statement by the Minister of Tourism is fine as far as it goes, but it is a drop in the bucket when you consider what is really needed. We are into a recession. The government needs to come up with a substantive, comprehensive plan to stabilize our industrial sector, to work with communities and to help workers. It is one thing to put the Premier's face on an ad campaign; it's quite another to ensure that our tourism industry survives this winter, that there is an industry out there to invite people to participate in. Last year we lost the Mount Antoine downhill ski resort in Mattawa, right next door to the Premier's community. This year we almost lost Searchmont in my own community.

We have asked your government over the last two weeks to lower sales tax to immediately stimulate spending and in fact attract visitors from across the border, and we asked you to bring forward a community adjustment package that will help industries and businesses in stress.

Will you get serious? Roll up your sleeves, bring the substantial and important resources of government to the table, roll out the monies promised to communities under SuperBuild and stimulate local economies so they have the heart and enthusiasm for the longer-term planning that really needs to be done.

#### NORTHERN HEALTH TRAVEL GRANT

**Ms Shelley Martel (Nickel Belt):** Let me respond to the Minister of Health in this way:

Firstly, with respect to the northern health travel grant, the latest statistics for the underserved area program show that 32 communities need 117 family doctors and another 14 communities need another 174 specialists. That's a record level of need in northern Ontario now. It

is very clear that our families and friends and neighbours are going to have to continue to travel to southern Ontario to access health care, so of course we welcome any positive change the government makes to deal with their financial burden to do so.

Secondly, with respect to the private clinic at Sunnybrook, the NDP continues to believe that the money spent on the private radiation clinic would have been better used to expand services in the public radiation treatment sector. We have had an ongoing battle with you, Minister, to get the details of that contract released, because we firmly believe that the contract in the private sector is far richer than the amount of money you are paying for radiation treatment in the public sector. Again last week, at the estimates for health, you released figures that are substantially lower than the figures my colleague Frances Lankin gave us when she saw that contract.

I say to you again, this is public money, these are public dollars. You should be held accountable. Release the details of that contract, because I believe they will clearly show that the money you are paying to your friends in the private sector is much more than you are paying for radiation in the public sector.

Finally, with respect to the change in the northern health travel grant, let me say that this change does not end, does not change and does not justify this government's discrimination against northern cancer patients, and I want everyone to understand that. The issue for northern cancer patients never was the northern health travel grant. The issue was this government's refusal to treat northern cancer patients in the same way you treated southern cancer patients; that is, to pay 100% of their costs of travel, food and accommodation when they have to travel far from home for cancer too.

We raised the first case of this discrimination in this Legislature in December 1999. We continue to raise those cases on behalf of our constituents. We brought in petitions. We even had a referral of two of our patients to the Ombudsman, and what did the Ombudsman say in his report last year? That the Ministry of Health and Long-Term Care's omission to provide equal funding for breast and prostate cancer patients who must travel for radiation treatment is improperly discriminatory, and he recommended that the Ministry of Health and Long-Term Care should provide equal funding to breast and prostate cancer patients who must travel for radiation treatment. That means northern cancer patients too.

We had the Ombudsman before the Legislative Assembly committee. He was there twice. He said categorically that this was a case of discrimination and that government should fund cancer patients too. What happened? Your Conservative members voted against accepting his report and accepting the recommendation to pay.

Well, Minister, the re-referral program is over and your government has held out through that whole process. Your government has refused to admit what we all know in northern Ontario, which is you have consistently discriminated against northern cancer patients. I hope you're happy, Minister, that you held out this long and

that northern cancer patients won't get the justice that they were entitled to receive.

This government should retroactively pay those northern cancer patients for the whole period of time that the southern re-referral program was in place, and you should do it now.

## VISITOR

**The Speaker (Hon Gary Carr):** Just before we begin question period, in the members' gallery east we have a former colleague, Mr Doug Rollins, who was a member for Quinte and a member of the 36th Parliament.

## ORAL QUESTIONS

### GOVERNMENT SPENDING

**Mrs Sandra Papatello (Windsor West):** My first question is for the Minister of Community and Social Services. Minister, just when we thought your wasteful spending on Andersen Consulting was at its worst, we realized that you'd broken all previous records. We had some trouble in public accounts finding the total amount you spent this year, because they changed their name to Accenture. While they've changed their name, your wasteful spending on them hasn't changed. In this past year, 2000-01, you spent over \$98 million on this private consulting company; a one-year payment of almost \$100 million. This is one of the largest payouts the Ontario government has made to one private company.

My question to you is this: how much have you paid to them in total? Last year, when the Provincial Auditor reviewed the question of this contract, you committed to renegotiate the \$180-million boondoggle of a contract. What have you paid them now to date?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** I committed some two years ago in this place to renegotiate the contract with the firm now known as Accenture Consulting to ensure that we delivered the project successfully, to ensure that we delivered it on time and to ensure that we delivered on budget. We have a five-year plan to design and build a new process and a massive technology overhaul of our social assistance system.

Over five years, this government will spend more than \$20 billion on social assistance, and what taxpayers want, what taxpayers demand from our government, is that we spend every dollar wisely and well and ensure that only those eligible for social assistance in Ontario get that support.

We brought in a contract with a cap of \$180 million. We're going to fully respect the contract, what Accenture Consulting was contracted to do; they will not make a single cent more than that.



There have been a number of changes since 1997 with respect to social assistance in Ontario—changes like *M v. H* that required a whole new definition of spouse, that obviously required change to the technology from what we contemplated in 1997—and that will amount to about \$193 million.

**Mrs Papatello:** Minister, since 1997, you've handed Andersen, now called Accenture, \$194 million. It hasn't even saved you a third of that amount of money. Your own best review says at best you saved some \$66 million.

You're spending more on Andersen than they will ever save you, and you talk about a computer technology program? Today, as we speak, that computer system crashed again. It crashed yesterday. It crashed in Hamilton. It continues to crash. This fancy technology you're spending \$200 million on is sending people cheques for more than they're supposed to be getting, and your staff has to work double time to check everything that goes out the door. The system is failing and you're spending \$200 million on it.

So let's go back to the original question: how much are you going to spend on a private company—you are now breaking records—on a contract that our own Provincial Auditor admits is a complete boondoggle of a contract? How do you stand up and justify that kind of money?

1430

**Hon Mr Baird:** The member opposite doesn't let the facts get in the way of her question. Let's look at the facts.

The member opposite presented savings of approximately \$66 million. She's wrong. To date, as of October 2001, this overhaul of our technology and of our process for social assistance in Ontario has saved more than \$350 million.

When this process is redone—

*Interjection.*

**Hon Mr Baird:** The member opposite asked the question and then she yells when she hears the answer, because she doesn't want the facts. If the member opposite asks a question and would like an answer, she should listen.

Once this contract is fully implemented, once this new process and technology is fully implemented, we will save more than \$200 million a year, every year, and that benefit goes fully to the taxpayers of Ontario.

We are overhauling, over five years, a \$20-billion program. We've been overwhelmed: 99% of the cheques have gone out at the right amount—99%. That's an outstanding—

**The Speaker (Hon Gary Carr):** The minister's time is up.

**Mrs Papatello:** Minister, let me just finish with this last comment. The Provincial Auditor told you that government policy kicked people out of the program, but you continue to pay a private company because your welfare rolls went down. You're paying people for nothing, and the Provincial Auditor told you that you are paying a private company for work that your own ministry staff can do. You have an open-ended contract

that doesn't even end, a contract that was supposed to be \$180 million before you agreed to renegotiate, and your total to date is almost \$200 million. There's no end to what's going to happen to the Andersen contract.

How do you stand in the House, as our government revenues are dropping and we are looking forward to you cutting back vital programs in health care and environment—

**The Speaker:** Order. Sorry to interrupt. Stop the clock. There's been an occurrence that's been happening in this House by staff who are coming in and, quite frankly, disrupting. The members are looking at that. We're going to have nobody standing up at the railing. The ushers are going to insist on that or we're going to bar the staff sitting there from coming in. We can't continue to come in every day and have these interruptions during question period by these silly acts that are being committed behind my back. The people doing that will refrain from standing up at the railing or they'll be removed from the House.

I apologize for the interruption. I did want to get on the record about the activities, Minister.

**Hon Mr Baird:** Let's look at the facts. The new technology that's in place: 99—

**The Speaker:** The member wasn't finished. I thought she was finished. You can ask the question part with about 10 seconds, if you would be so kind.

**Mrs Papatello:** Minister, the final question is this: as you're about to embark on rounds of cuts to vital programs because our revenues are dropping, I want to know, and I want your promise, that you'll stop this kind of foolish spending on private consultant contracts before you cut one vital service in this province.

**Hon Mr Baird:** What we have with this new technology and this new process is an over 99% effective rate in the very pilot project which the member addresses. I don't think the member opposite could look at any technology project of this calibre anywhere in the public service, anywhere in the western world, and see a bigger success. The new process and the new technology and the people who have worked on this it can be very proud of the huge success of this initiative. We've been able to save more than \$350 million.

I know why Dalton McGuinty and the Ontario Liberals disagree with this. This program, this process goes after welfare fraud. This process and this initiative are part of our welfare reform agenda. Dalton McGuinty and the Ontario Liberal Party disagree with work for welfare, they disagree with zero tolerance on welfare fraud, they disagree with us going after people who are cheating the welfare system, and we will have none of it on this side of the House. We want to ensure that every single dollar goes only to those people who are entitled, and the project is an outstanding success.

#### LONDON HEALTH SCIENCES CENTRE

**Mrs Sandra Papatello (Windsor West):** My question is for the Minister of Health. Minister, you will know that this week my leader, Dalton McGuinty, men-

tioned to you a quote from Dr Joubert, a respected pediatric cardiologist from London. He issued a very dire warning. He said this week, "A child may die because of the decisions" at London Health Sciences Centre. You know this; we mentioned it here in the House today. While my leader was speaking with you, the member from London-Fanshawe yelled out from his seat, "He said 'may die,'" as though to iterate that that's really not serious enough.

My question to the minister today is that while Mr Mazzilli might suggest that the parents in London ought not to be concerned because the doctor just said "may die," I want to know who you would support. Would you suggest that you share Mr Mazzilli's feelings that a doctor's warning that a child may die doesn't warrant your being upset or concerned about the changes going on at that hospital?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Of course the whole essence of some of the changes that are occurring are all about better clinical outcomes, better services for our kids, better services for their parents, better services for our parents in the London area. That's entirely what this sizing and scoping exercise is about. Many of the services they are referring to only have two clinical cases per year. Most of the medical community that is credible on this matter would say that when you're down to that level, it is better, it is far better in terms of clinical outcomes, to do that in an area that specializes in that kind of service.

We believe in better clinical outcomes for our kids and our parents in the London area. That is why we want the London Health Sciences Centre to be the best hospital offering the best services, rather than trying to be all things to all people, which is current Liberal policy, I suppose.

**Mrs Papatello:** To the Minister of Health: when you don't like what you hear, then they are no longer credible to be giving an opinion. Is that what you think of Dr Joubert, because that's what you just said today in this House?

The only thing worse about your answer is the absolute inaction by the other London MPPs of the Conservative Party, who refuse to stand up for the children in southwestern Ontario. Whether those kids come from Owen Sound or from Windsor, you can't even tell us today where those kids are going to go when they can no longer go to the London hospital.

Minister, that doctor said a child may die. Don't talk to me today about scoping or clinical or study; you tell us where the kids are going to go. You can't get a bed in a Toronto hospital if that kid's got to go to Toronto. Where will the southwestern children go? You tell us that in the House today, and I demand to see why those London MPPs don't have the guts to stand up for the kids in their ridings.

**Hon Mr Clement:** Mr Speaker, forgive me for responding in this way, but this is the cheapest form of political theatre I have seen in a good long time, and I've been here for six years. If this is the sum total of the

Liberal brain trust and what they can deliver in legitimate and credible political debate on the issues of our province, they are in worse shape than even I thought.

Let me state for the record: the changes are going to be done in such a way as to ensure that there are no gaps in the system, that no child, no parent, no Londoner is going to be left dropping through the cracks. That is a commitment of the Ministry of Health. It's something I've discussed with my London colleagues, who care about the issue rather than the political theatre. On our side of the House what we care about is the clinical outcomes for the kids, for the pediatric kids who are involved in these programs, for the adults who are involved in these programs. We want the best clinical outcomes and I will defend that to the death. That's what this whole issue is about, rather than the theatrics on the other side.

**The Speaker (Hon Gary Carr):** Final supplementary?

**Mr Steve Peters (Elgin-Middlesex-London):** A gag order has been placed on doctors in London, Ontario: they continue to speak out. I challenge the minister right now to tell me that these doctors who are speaking out in defence of children in southwestern Ontario aren't credible.

Hot off the fax machine today: cardiologist Dr Kostuk says these cuts will have a profound impact. Dr Ed Harris, chief of surgery, has resigned his post in protest. Dr Timothy Frewen, chief of pediatrics, wrote an open letter demanding that you postpone this plan. Doctors Singh, MacKenzie, DeRose, Ouellette and other medical specialists are speaking out.

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These doctors are credible, Minister. These are the very people who know how to care for our health. They have spoken, but you know what? They've been met with a wall of silence from you, from administration and from those London Tories. Is this the message you're sending to southwestern Ontario, that you have more faith in the administrators and bureaucrats than you do in the doctors and nurses of southwestern Ontario? This is gravely serious. I am pleading with you: will you please—

**The Speaker:** Order. The member's time is up.

*Interjection.*

**Hon Mr Clement:** If the honourable member wants to participate in this debate—

**The Speaker:** We'll wait. That won't come off your time. You can start over. Go ahead. Sorry, Minister.

**Hon Mr Clement:** If the honourable member wants to be constructively part of this debate, why doesn't he tell the whole story? Why doesn't he talk about the 26% increase in funding for the London Health Sciences Centre that has been part of their increased funding over the last two years? Why doesn't he talk about the 60 specialists and physicians who have become part of the London Health Sciences Centre in the last year? Five new neuroscience specialists, nine new radiologists, five new OBs, five new emergency medicine specialists, 11 new surgeons, five new anaesthetists, eight new oncol-



ogists. If he wants to be true to the people of Ontario, why doesn't he mention those statistics, which are proof positive of our commitment to the health care of Londoners and our commitment to better clinical outcomes, which is what this debate should be about, rather than the theatrics on the other side?

I would only say that we on this side always welcome new ideas and new debate, but when you go to that lowness, that insults everybody in this House and I—

**The Speaker:** The minister's time is up.

### TAXATION

**Mr David Christopherson (Hamilton West):** My question is for the Acting Premier. An ad campaign to profile Ontario's excellent tourism destinations is all well and good, but you still haven't offered travellers any added incentive to get out there and spend. If you're really serious about sending a message that Ontario would be a great place to visit, why not cut the provincial sales tax on all restaurant meals for three months? And if you want to do something for the long term, why not raise the threshold of non-taxable meals from \$4 to \$6?

**Hon Janet Ecker (Minister of Education, Government House Leader):** Mr Speaker, I refer the question to the Minister of Tourism.

**Hon Tim Hudak (Minister of Tourism, Culture and Recreation):** Thanks to the member for the question. No doubt, it's pleasing to hear from Tax Cut Christopherson about his support for tax cuts in the province of Ontario. This government is leading by example with record cuts to income taxes, record cuts to corporate and small business taxes and record cuts to capital taxes to stimulate the economy and create record jobs under the Mike Harris government.

Today I appreciate the member's support. A big announcement of a 35% increase in our tourism budget to key areas; \$4 million being invested there to encourage folks to come, to travel, to visit Ontario and to spend money in our hotels, our restaurants and our attractions. I'm sure it will be a big success.

**Mr Christopherson:** Minister, our economy can't afford for you to walk away from a good idea just because you can't handle the fact that it came from the NDP.

The reality is that your ad campaign is only going to take us so far. You need something to hook people to come into Ontario, and we're suggesting a two-pronged approach. One is to remove all the sales tax from restaurant meals for the next three months, and we're suggesting you follow the recommendation of the Ontario Restaurant Hotel and Motel Association, who have been lobbying for years to have the non-taxable meal threshold increased from \$4 to \$6. If you do those two things, linked with the ad campaign that you've announced today, then we've really got a chance of bringing people into Ontario, helping to save jobs and stimulate the economy.

Minister, will you take us up on these two important suggestions that go well with the announcement you've made today?

**Hon Mr Hudak:** I thank the member for the point and certainly I appreciate the two-pronged approach from the NDP, but obviously there's a multi-pronged approach from the Mike Harris government. I've mentioned personal income tax cuts, property tax cuts, cuts to the small business tax and cuts to corporate income tax. In fact, accelerating the personal income tax cut announced by Premier Harris a week or so ago today will bring an additional \$60 million in tax benefits to Ontario working families, part of a pro-growth plan to ensure economic growth in some challenging times.

No doubt it will also allow 75,000 people to come off the tax rolls altogether, combined with the hiring of Lewis MacKenzie as well as Norm Inkster on the security advisory side, and of course the exciting announcement today from the Ministry of Tourism to kick-start and reinvigorate this very dynamic tourism industry in Ontario.

**Mr Christopherson:** Minister, in response to your argument about the tax cuts your Premier announced the other day, let me just say that on that day the president of the Hamilton Chamber of Commerce said, "I don't think it will have much effect on the economy."

We're facing an enormous challenge in the next few months in Ontario vis-à-vis our economy. You've taken a step today by announcing an ad campaign that will help the tourism industry. We are asking you to take a couple of more steps. One is to respond to the association that knows this business best when they've asked you to increase the threshold for non-taxable meals from \$4 to \$6. We're asking you to agree to that as part of the announcement, and we're asking you to suspend all provincial sales tax on restaurant meals, again, in addition to the announcement you've made today.

We have to deal with the economic problems facing us one bit at a time. Your announcement today is not going to do it alone; it needs more. We've got two suggestions that we're putting forward. I'm asking you to tell me that at least you'll consider these two suggestions along with the announcement you've made today.

**Hon Mr Hudak:** I appreciate the points about the Ontario hotel and motel association. In fact, Terry Mundell is joining with us today for the announcement of the 35% increase in marketing funds for key areas, as well as Rod Seiling from the Toronto hotel association. We've had supporters like Noel Buckley from tourism in Niagara, folks from Windsor, northern Ontario and the Ottawa area, all in support of our initiatives to support the tourism and cultural industry in this province. I know that I'm excited because of the injection of some \$60 million from the Mike Harris government directly into the pockets of the taxpayers in this province to help spend at our attractions, our hotels, our restaurants, our theatres etc. No doubt it's very pleasing to see three great tax cutters at work today: Mike Harris, George Bush and Dave Christopherson.

## INTELLIGENCE GATHERING BY POLICE

**Mr Peter Kormos (Niagara Centre):** A question to the Deputy Premier: today Howard Hampton and I met with 20 community organizations, including the Ontario Council of Agencies Serving Immigrants. These people told us that they're extremely concerned about a war on civil rights right here in Ontario. They're extremely concerned about the appearance of the thought police and other totalitarian—yes, totalitarian—measures.

First you appoint a security adviser who believes in and advocates ethnic profiling. Now your Solicitor General says that he endorses the Toronto police's thousand-person hit list, their target list. The question is, how do you get on this target list, this hit list; and what do innocent people do to get their names off this list?

**Hon Janet Ecker (Minister of Education, Government House Leader):** I refer this to the Solicitor General, Mr Speaker.

**Hon David Turnbull (Solicitor General):** I thank the member for this opportunity to speak about this important issue. Let's be very clear: your party made accusations that there was going to be racial profiling, and we said, "No, absolutely not." The suggestion now is that the police should not do their job.

Clearly, when you examine the situation that existed on September 11, it would not have occurred if security had not broken down. Police have got to anticipate and investigate so that they know if there's anything wrong. All that these police are doing is looking at people who may have a profile—not, I emphasize, a racial profile, but the profile of somebody who may cause trouble of the nature that occurred on September 11. What's wrong with that? Please stand up and tell me.

**Mr Kormos:** Ethnic profiling, geographic profiling: call it by any other name; it still means that people are being targeted because of where they come from. That means they're being targeted because of the colour of their skin, because of their surnames, because of their religions.

The Solicitor General is on record as supporting this intelligence gathering that's being utilized and advocated by Norm Gardner, the Harris appointee to the Police Services Board.

Apparently, a list of 1,000 people exists here in Toronto, and people want to know what criteria get people on that list. These were hard-working people whom Howard Hampton and I met with, and they're afraid. They're afraid that they're being spied on for no good reason. One person told us today, "I never thought that I'd experience in my lifetime what Japanese Canadians went through."

What we're asking of you, sir, is very simple. Put it on the record today. What is the criteria for the creation of a surveillance list that you, as Solicitor General, endorse?

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**Hon Mr Turnbull:** I have to say that is probably the most ridiculous thing that has been uttered in this place.

Public safety is a priority of our government, and we have said we support the police in making sure that they have the intelligence so that we don't have the kind of situation that occurred on September 11.

Any suggestion that you're making that there's racial profiling going on is just absolute smear tactics. It's wrong. Clearly what is happening is the police are following up possible leads that they have that there may be reason to have concern about those people, to anticipate the ability to be able to respond. I'm sorry to hear you make these kinds of accusations here.

## SAFETY AND SECURITY OF DRINKING WATER

**Mr James J. Bradley (St Catharines):** A question for the Solicitor General: when I asked him a question on September 27 about the ability to deal with anthrax and smallpox threats, there weren't many people talking about the issue. Today they are. There's another issue that has emerged, and I'm not talking about the safety of nuclear plants where we have a real problem; I'm talking about water treatment plants.

After September 11, people are increasingly worried. It's obvious we're going to have to have far more frequent and far more extensive testing of drinking water; around-the-clock security at reservoirs and water treatment facilities; new technology to immediately detect chemical contamination; and reliable, responsible, high-quality laboratories to handle vastly increased volumes of tests and to handle them with integrity.

What specific action has your government taken to ensure the safety and security of drinking water in Ontario? Secondly, will you now re-establish the reliable, responsible, high-quality regional laboratories of the Ministry of the Environment, labs you so rashly and unwisely closed a few years ago?

**Hon David Turnbull (Solicitor General):** With respect to yesterday's situation in Toronto, I want to say that, first of all, the Toronto water authorities had in fact increased security around all of the facilities prior to this. The break that occurred got into a secondary door, did not get through the security barriers, and in fact was detected fairly quickly.

That particular reservoir is not a primary reservoir. It was not pumping at the time, but the water is being sampled and the liquid that was in the canister that was found is as yet unknown, but is not believed to be toxic in any way. We should have the results within 48 hours. The Toronto police have informed the ministry that nothing suggests that the equipment was tampered with.

**The Speaker (Hon Gary Carr):** Supplementary?

**Mr Michael Bryant (St Paul's):** Solicitor General, I would have thought that our water reservoirs would be as secure as Fort Knox in this day and age. Yet somehow the St Clair reservoir, the second-largest water reservoir in the largest city in Canada, had a break-in. This has got to be a wake-up call to which the government responds.



I ask you, while we wait for your security advisers to advise, will you—at least on an interim basis—provide the resources necessary to deploy additional police officers to conduct a safety and security audit of our water reservoirs, and to have a police officer standing on guard for the outside of these reservoirs so the people of Ontario can have confidence in the water they drink, the air they breathe and the food they eat? Will you commit to providing this interim safety measure to bolster public confidence?

**Hon Mr Turnbull:** We have been working with all levels of government to enhance safety, and that is well underway.

Security of water installations is a municipal responsibility. I have just come to question period from a meeting with the chiefs of police of all of the major police forces in Ontario and they are on a higher standard of alertness at this moment.

Quite clearly, as part of our review of all measures, we are looking at everything we can do and we're co-operating with the federal and municipal governments.

I would suggest that perhaps your party might want to try and consider making people a little more comfortable rather than trying to get everybody scared, because that's what it is. This is scare tactics and it's of the worst order of politics.

#### HEALTH CARE FRAUD

**Mr Ted Chudleigh (Halton):** My question today is for the Minister of Health and Long-Term Care. Minister, this government is strongly against fraud of all types. We have seen the dedication of this government to combat fraud in many areas, including health care fraud. When health care fraud is committed, tax dollars which could otherwise be spent on health care initiatives are not so spent. That upsets the people of Halton. This affects all people who use the health care system in Ontario.

Minister, could you please tell me and my constituents what initiatives you have implemented to detect, eradicate and prevent health care system fraud?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I'd like to thank the member from Halton for the excellent and timely question. When it comes to health fraud, we on this side of the House have a zero tolerance policy and we are committed to eliminating all forms of health system fraud.

Some of the initiatives we've taken to date include establishing a dedicated fraud program unit, with police officers whose only job is to investigate health fraud. We are the only province in the Dominion that has an investigative unit that is entirely dedicated to health system fraud, and we can be proud of that.

In the 2000 budget, funding was announced to establish a provincial offences team and a crime technology team. Also, under the proposed civil remedies for organized crime and other unlawful activities legislation, introduced by my colleague the Attorney General, any

proceeds that result from the fraud can be frozen, seized or forfeited.

Of course, there is more that we can do and we will review all of our processes around health fraud as we go along.

**Mr Chudleigh:** Thank you very much, Minister, for outlining some of the initiatives this government has taken to ensure the prevention and detection of health care system fraud, but the proof is in the pudding. Can you tell me how effective these measures have been to date in Ontario?

**Hon Mr Clement:** I am pleased to have the opportunity to inform the House that the initiatives our government has taken to detect and prevent health system fraud have achieved a measure of success. From October 1, 1977, through to July 31, 2001, the OPP investigation unit that I referred to pressed 495 Criminal Code charges. We have secured 134 convictions to date and the rest are currently before the courts or are being completed otherwise. I can tell you that the provincial offences unit has laid 10 charges under the Provincial Offences Act and has secured eight convictions thus far.

We've recovered \$1,685,689.30 in relation to criminal investigation charges and convictions, including money recovered under the proceeds-of-crime legislation. That's enough money to buy a new MRI, and there will be more, of course, as we continue to root out this fraud and make our system better for all Ontarians.

#### SCHOOL BUS FUNDING

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** My question is to the Minister of Education and it concerns school bus funding. The minister will know that earlier this summer her officials from the transportation project at the Ministry of Education visited the county of Renfrew and the city of Pembroke, where they heard first-hand from a number of school bus operators doing business in the largest county in Ontario, namely, Renfrew county. Those officials heard those operators indicate just how difficult it is now to provide safe, adequate busing on the monies provided with the current funding formula.

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Can the minister tell this House today and school bus operators in Renfrew county and elsewhere what steps she intends to take, and when, to address what seems to be real and serious pressure in school bus finance?

**Hon Janet Ecker (Minister of Education, Government House Leader):** I've had several discussions, and staff have had meetings with the bus association and school boards on this issue. I've also had extensive discussions with my caucus members, who represent some of the rural boards where this is very much a pressure.

We recognize this is an issue that needs to be dealt with. That's one of the reasons we said very clearly that we would work with our education partners and the school bus association to develop a way to fund the

transportation that was fair, that was equitable, that recognized the safety needs of the industry, and at the same time recognized that there are many things school boards can do in terms of sharing services. Many boards have already moved down that road. We have invested additional monies for fuel costs; for example, the one-time monies we put in last year. We are looking at this and it is a priority. We recognize that more needs to be done to make sure we are funding school transportation in a fair way for our children.

**Mr Conway:** In my county, over 70% of the elementary and secondary students are bused. I've got hundreds of young kids who spend over two hours a day on a school bus. In the September 7, 2000, edition of the Ontario School Bus News it says the following, quoting Minister Ecker: "I recognize the problem," the minister stated, "and I am committed to finding a solution."

My question to you, Minister, on behalf of the students, parents and school bus operators in Renfrew county, is, what particularly do you intend to do to relieve this pressure and when will the school bus operators in Renfrew county get some clear indication of what the specific relief will be?

**Hon Mrs Ecker:** As the honourable member will know, and I've certainly heard from my colleagues from Waterloo-Wellington and Dufferin-Peel-Wellington-Grey who have been speaking on behalf of their boards and trying to assist us in coming to an appropriate formula to fund transportation, one of the things that has to be done is to make sure that we have the right factors, that we're recognizing the right things. We've been working with the industry to do that. They've been very helpful in terms of bringing that information forward.

Many of the boards were not ready to move forward. They did not have the technology to do this. We funded them to help them put that technology in place. That was one of the pieces we needed. In the interim, we have been providing interim funding to the school boards to assist their bus operators, because we quite recognize that pressure. We will certainly be communicating with them when those final decisions are made as to what we will do next, but we do recognize that this is an issue that must be addressed.

#### ONTARIO'S PROMISE

**Mr Garfield Dunlop (Simcoe North):** My question is for the minister responsible for children. I've been involved with the Ontario's Promise initiative for a number of months now. Just a few weeks ago there was an Ontario's Promise presentation held in the city of Barrie with speakers from across Simcoe county.

The audience was made up of representatives from all the communities within Simcoe county and learned first hand about the benefits of Ontario's Promise. The speakers at the event were actual Ontario's Promise partners, including Alliston and District Big Brothers, Kempenfelt Graphics Group and the Sports Alliance of

Ontario, representing agencies, corporations and organizations.

Minister, what I've found is that there is certainly a broad consensus that Ontario's Promise is an excellent opportunity to work together, but I'd like to know what successes have been achieved to date. How much of this goodwill has been converted into concrete action to help the children of Ontario?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** Under the leadership of Premier Mike Harris, we've worked incredibly hard to try to encourage everyone to take a role in the helping of young children, not just in their early years from zero to six but right up until the age of 18, to ensure they each get a healthy start in life, to have a relationship with an adult who cares, safe places to learn and grow and the tools to succeed.

*Interjection.*

**Hon Mr Baird:** To the member for Napanee, we're talking about Ontario's Promise; we're not taking about Early Years. She wasn't listening to the question. Not one single cent of this came from the federal government. This is about Ontario's Promise. She doesn't pay any attention, her constituents should know.

We've encouraged more than 40 corporations, from Bell Canada to the TD Bank Financial Group, Pfizer Canada, Future Shop, and more than 80 non-profit agencies right around Ontario, to participate in Ontario's Promise, which is making it a huge success: people like Big Brothers and Big Sisters, groups like the Boys and Girls Club of Canada and the Easter Seal Society, the Sudbury Manitoulin Children's Foundation—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the minister's time is up.

**Mr Dunlop:** Thank you very much, Minister. I know it is a good start. I think you'll agree that what we really need is a sustained effort, not only in the action taken by government but also by business and non-profit groups. While the message that we all have a part to play, setting children on the right path in life, is a powerful one, I'm concerned that the message will not be given the prominence it deserves. What action have you taken to make sure we can build on this positive start, particularly in recruiting more partners to join in this wonderful initiative?

**Hon Mr Baird:** Building on more than \$33 million in support that has been pledged toward initiatives that help Ontario's children and youth is a substantial increase. We've seen right across Ontario an increased investment in support. We're challenging corporations and not-for-profit agencies to increase by 5% or 10% their support to Ontario's children, which is a substantial investment in children.

We recognize that government can't do everything. We've got to encourage people, whether it's encouraging them to participate in an organization like Big Brothers or Big Sisters, to provide more support to children and mentoring and relationships. We're undertaking a major



social marketing initiative to try to encourage everyone to take a greater role. That initiative has had the support of the Globe and Mail, Famous People Players and Mediacom. Individuals are stepping forward to encourage all of us to do more for kids. People like Vince Carter and Carlos Delgado are lending their support to the initiative. People like Wayne Gretzky are entering through corporations like CIBC to support Youthvison, an initiative that was announced yesterday to give 30 individual scholarships, so they'll be able to get a good start.

#### GOVERNMENT SPENDING

**Ms Shelley Martel (Nickel Belt):** I have a question to the Minister of Community and Social Services. You have paid Accenture, formerly Andersen Consulting, a total of \$193 million over the past four years. The bulk of the payment involves salaries of Accenture staff, salaries that are far higher than the amount of money you're paying to your own ministry staff who are doing comparable work. In fact, in three of the four job categories under this project, Accenture is being paid more than what they originally proposed in the bid in 1996.

So my question, Minister, is this: why are you paying your friends more than you're paying your own ministry staff doing comparable work? And why are you paying Accenture even more than they asked for when they bid on this contract in 1996?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** I'm not.

**Ms Martel:** You absolutely are. Here's the auditor's report from last fall, and the Provincial Auditor was in to deal with Andersen Consulting again. In the chart on page 263 you can clearly see the following: Andersen Consulting rates charged at January 1, 2000, per hour, \$400—Andersen Consulting 1995 proposed rates per hour, \$300; Andersen Consulting rates for managers charged at January 1, 2000, per hour, \$330—Andersen's proposal in 1995 for the same manager was \$200 to \$300; for an analyst, Andersen is being paid \$115 per hour right now. Their original proposal was \$70 per hour. In three of the four categories, you are paying them more than what they asked for. You are paying them considerably more than you're paying your own staff for doing the same work. The taxpayers aren't getting value for money with this; they're getting hosed. When are you going to renegotiate the terms and conditions of this contract, like the auditor told you to do, so we can get this project under control?

**Hon Mr Baird:** We negotiated the contract with Accenture consulting more than a year ago. We made a commitment in this House to deliver the project successfully, on time and on budget. Those are three objectives with which we were successful. We also sought to get the fee schedule to the rate it was back in 1997 and we were successful at that, by and large.

The member opposite disagrees with our welfare reform proposals. She has disagreed with every single

attempt this government has made to deal with welfare fraud. They have disagreed with work for welfare. All the NDP seems to be preaching now is tax cuts.

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#### HEALTH CARE ACCESS

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Health. I want to ask about the denied children of Ontario, the ones you deny health care to, despite the fact they're Canadian citizens, born in this country.

The minister knows these children are at risk. Their parents can't afford treatment. He also knows that hundreds, perhaps thousands, of children are affected. The Black Creek Community Health Centre alone has 300 of them. No other province does this discrimination.

Today, Minister, we heard from your office that you may indeed reverse part of your policy. But I want to ask, will you provide Canadian-born children—and some of these families are here with us today—the same entitlement to health care as all other Canadian-born children? Will you do that, and will you guarantee us that today?

**Hon Tony Clement (Minister of Health and Long-Term Care):** This will be an easy question and answer period. I can tell the honourable member that every Canadian-born citizen who is resident in this country deserves open, equal and universal access to our health care services, and that is indeed the case in the matter he refers to.

**Interjection:** How come they're not getting it?

**Hon Mr Clement:** Yes, they are getting it.

**Mr Kennedy:** I want to inform the minister—he was informed in May. We were advised by his office today that he was changing a policy. This has been going on since 1998. Minister, you cut off funding for hospitals to help people between the cracks. Children of immigrant families are in a grey area. We have with us today, for example, the Funes family. They're here with their son Carlos, their daughter Ariadma and their baby, 16 days old. Their 16-day-old baby, born in this country, has no health care coverage. What your ministry does is make these people go through appeals and then later on grants it if they get through the appeals.

Minister, this is the only province in the country that denies Canadian-born children access to health care. Today a number of people came down University Avenue. They paraded past all the fine hospitals we have that they can't get into with their children. This is just about their children, Minister, and we expect you to be discerning in this case, for the Funes family and for the other children who are here today who do not have coverage—they're in every riding of this province. Every community health clinic has waiting lists because they can't serve them.

Minister, will you undertake today that the Canadian-born children of immigrant families will all receive the same access to OHIP coverage as every other—

**The Speaker (Hon Gary Carr):** Order. The member's time is up. Minister?

**Hon Mr Clement:** Yes, yes, a thousand times, yes. All along, these children have had access to health services through our community health centres. I can tell the honourable member that I am apprised that just yesterday, in fact, 70 outstanding cases have been dealt with, approved for coverage. So the answer is yes. I agree with the honourable member: if you are Canadian-born, if you are a citizen of this country, if you have chosen this country, you deserve access to quality, accessible, universal health care. Yes, yes, a thousand times, yes.

I'm not denying anybody anything. The answer is yes.

**Mr Kennedy:** But you're denying it.

**Hon Mr Clement:** The honourable member continues to suggest that my yes is a no. Let me state for the record, my yes is a yes.

### LITERACY TEST

**Mrs Tina R. Molinari (Thornhill):** My question is for the Minister of Education. My constituents have often told me how pleased they are with the increased accountability of the education system, specifically the testing.

Minister, you announced last weekend that the grade 10 literacy test will be taking place next week. In your news release you said the test helps improve student learning and achievement. Can you explain how this test helps improve student learning?

**Hon Janet Ecker (Minister of Education, Government House Leader):** I'd like to thank the honourable member for a very timely question. The grade 10 literacy test is indeed taking place next week. The reason it is so important is that it is a graduating requirement for our students and it makes sure they have the appropriate literacy skills—the appropriate reading and writing skills—they need before they leave high school. The reason we do it in grade 10, of course, is that then they have the opportunity to take it again, to work and do remediation if that is required in order to pass it.

We've been phasing this in. Last year was a sort of trial run to make sure it was a valid and accurate test, to give teachers and schools an opportunity to get used to it. This year it will indeed count, if you will, for our students to get their diploma at the end of high school. It's part of improving the curriculum, part of improving testing to make sure we're giving our students what they need to succeed.

**Mrs Molinari:** It was reported in the National Post today that a boycott is being organized by the Ontario Coalition Against Poverty. This organization is urging students to skip the test as a type of demonstration against the government. Minister, are you concerned about the boycott and will this affect the outcome of the test?

**Hon Mrs Ecker:** I am certainly concerned that anyone would recommend to our students that they do something that would create a problem for them. Every student who wants to get our diploma for high school,

whether they're in a public school or an independent school, must take the grade 10 literacy test. That's a graduate requirement. What they're in effect doing is asking those students to sacrifice their future as some sort of silly political protest.

If we wanted to know the reason for this literacy test, why it is so important, on OCAP's own flyer they can't spell "privatization." If we had any reason to know why we need this test, they themselves have demonstrated it. They cannot even spell a very simple word.

### ONTARIANS WITH DISABILITIES LEGISLATION

**Mr Ernie Parsons (Prince Edward-Hastings):** Speaker, the Minister of Citizenship was here. Is he still in the vicinity?

**The Speaker (Hon Gary Carr):** Stop the clock. Maybe you could direct it to another minister, please.

**Mr Parsons:** I will direct the question to the Acting Premier, then, if I could.

Acting Premier, your government says it is committed to passing the Ontarians with Disabilities Act. There are one and a half million people in Ontario who need the barriers removed in their province. The Premier said the bill will be introduced this fall. Our citizens have been waiting for six and a half years for this to happen.

The Minister of Citizenship right now is touring the province, speaking to groups. The minister needs to tour the province, listening to groups and listening to people.

The disability groups have been asking since 1995 for your government to hold public hearings. Acting Premier, will you commit to this House that there will be public hearings on this bill before a legislative committee? A simple yes or no will suffice for an answer.

**Hon Janet Ecker (Minister of Education, Government House Leader):** This government is very serious about meeting the commitments we've put forward to the voters. We do that on a regular basis. We will certainly be meeting our commitments with an Ontarians with Disabilities Act.

I know the opposition likes to have fine, flowery phrases on a piece of paper, that somehow or other that's going to make a difference for people with disabilities. What makes a difference for those individuals is supports and services; services like we have through the Ontario disabilities support program, which was a special new program this government put in place so people with disabilities did not have to rely on welfare. It's the most generous program in the country. There are new standards for special education, for those students who have special needs in our education system, to make sure they have the supports they need. Those are the kind of real changes that make a difference.

Legislation is important. We've made a commitment; we take it seriously. The minister has been consulting and listening across this province. I've had him in my own riding. He's done considerable work to get—

**The Speaker:** Order. The minister's time is up.



**Mr Parsons:** I was really hoping you could answer that question, but I didn't hear it. Ontarians with disabilities are not asking for charity, they are not asking for programs to keep them in their homes; they are asking for programs to get out of their homes so they can be part of society and work and enjoy the full citizenship they're entitled to.

I will ask the question again. You did not answer. Will you hold full public hearings, and will you hold them not just in Toronto but across the province? You don't know what Ontarians with disabilities need; you only think you know. Will you hold the hearings?

**Hon Mrs Ecker:** I find it rather offensive that the honourable member would cast aspersions on those many individuals and groups who have met with the minister, with our colleagues, to do that. They know what people with disabilities need. They've been quite free with their advice and their input to this government.

We are working very hard to put in place legislation that will be fair and balanced, legislation that will seek shared solutions. The honourable member's own House leader is frequently talking about how you can commit to something when you haven't even seen legislation. Here he is asking for a whole procedural change, a whole procedural commitment on legislation he hasn't even seen yet.

The work is being done. The minister has been meeting with groups. We've been listening, we've been consulting and we will be moving forward, as we said we would, with legislation that is fair, balanced and will make ongoing improvements to address the needs of persons with disabilities.

1520

### SCHOOL BUS FUNDING

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I have a question for the Minister of Education concerning school busing. The Liberals tried to ask the question but they didn't go far enough. This problem is a concern of my riding.

We've been meeting with a number of school bus operators, both in my riding and from across Ontario. These people are experiencing financial challenges as a result of funding pressures because of increased fuel, staffing and maintenance costs. My question to the minister is whether she will inform us how she is working with school boards, and specifically what funding supports the government is currently committing to help school bus operators and students from across Ontario.

**Hon Janet Ecker (Minister of Education, Government House Leader):** To the honourable member, who I know has been advocating quite strongly on behalf of his school community on this issue, as I had mentioned, we have been working with the bus industry and school boards to develop a way to fund bus transportation that is fair, equitable and respects the legitimate costs of a safe, efficient bus system. We have funded school boards to help them put in place the information technology that

will allow them to run safer, more effective bus systems. We have done that in previous years to give them those financial resources.

Second, while this work is going on, to make sure we have a fair way to fund, we have topped up with special one-time funding. Last year we did that for the school bus group: \$23 million. We gave school boards an increase in resources this year that was flexible: \$360 million that they could use—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up. Supplementary.

**Mr Ted Arnott (Waterloo-Wellington):** I want to thank the minister for that answer. We appreciate the work she's doing on this issue, but I would like to inform the House how this issue impacts on my riding of Waterloo-Wellington.

Like the member for Dufferin-Peel-Wellington-Grey, I am very concerned about the inequities in the existing funding formula. I have met with a significant number of my school bus operators and school board officials. What can I advise the school officials and school bus operators in Waterloo-Wellington on the status of the new funding formula, and will the minister inform the House if there are other ways to address these funding pressures?

**Hon Mrs Ecker:** As I have indicated, while the new way to fund is being developed, we have given them one-time funding. We have done that previously. We can certainly look and see if that is something that would be of assistance this year.

We are in the process this fall, as we do every year, of finalizing the policies for funding for the next school year. We are looking at the school bus transportation piece of that this fall. To the member for Waterloo-Wellington and my caucus colleagues, I will be seeking your advice on how best to make sure we roll that out in a way that is fair and effective. I've certainly heard from them. I appreciate the timeliness, the pressure that we need to get this issue solved.

### GOVERNMENT SPENDING

**Ms Shelley Martel (Nickel Belt):** I have a question for the Minister of Community and Social Services. I want to make it clear that the figures I released today regarding payments to Accenture are the figures that went into effect after the deal you renegotiated with Accenture in April 2000. The payments I referred to are payments that are being made currently per hour to Accenture staff.

Let me tell you what the Provincial Auditor said about that in his report last fall. "The reduced rates now charged are still significantly higher than the rates charged for ministry staff doing comparable work." The auditor also included in his report a chart that clearly shows that in three of four employment categories, Accenture staff are being paid more now than what they asked for when they bid on this contract in 1996. The source of this is the Ministry of Community and Social Services.

Minister, I ask you again: why are you paying Accenture staff more than what you pay your own ministry staff for doing comparable work, and why are you paying them more than what they even asked for when they bid on this contract in 1996?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** I'll deal very directly with the question the member opposite raised. I don't think you can compare what a partner at Andersen makes versus what a deputy minister or a minister or a project director makes. People in the public sector just don't make those rates. But to quote very directly, the member opposite talked about figures; she referred to page 263 of the auditor's report and she talked about 1996 rates.

Let's look at the facts. Andersen Consulting rates charged December 31, 1997, partner, \$530 to \$575; Andersen Consulting rate charged on January 1, 2000, \$400. Manager: used to charge \$335, now charging \$330. Consultant: used to charge \$230 to \$325 an hour, now charging \$280. Analyst: used to charge \$105 to \$250, now charging \$115. By my count, all four are down from what they were just four years ago.

**Ms Martel:** Let's refer to the figures again. Here's the Andersen Consulting rate charged at January 1, 2000, for a project director: \$400 an hour. The rates that Andersen proposed for the same project director in 1995: \$300. The ministry rate for the same person: \$75 to \$315 an hour. The second category, manager: Andersen is now being paid \$330 per hour. They proposed in 1995 to be paid \$200 for that position. Comparable ministry staff is being paid \$50 to \$180. Let's do one more. Consultant: Andersen is now being paid \$280 an hour for a consultant. The rate that they proposed in 1995 was \$150; the rate for a comparable ministry staff is \$45 an hour to \$105 per hour.

In three of the four categories they're being paid more than they asked to be paid when they bid on this contract in 1996. In every category they are being paid more than comparable ministry staff who are doing the same work. How can you justify this type of public money being spent to support your private sector friends?

**Hon Mr Baird:** Using the chart that the member opposite refers to, in every one of the four categories she cites, the differences between the 1997 rates and the rates in 2000 are all down. That's the commitment we made and it's the commitment we followed through on. Yes, in 1995, before the contract was even signed, there were proposals on the table, but that didn't form part of the basis of the contract.

We are redesigning a entire \$20-billion welfare system over five years. Over five years we'll spend more than \$20 billion supporting social assistance in Ontario. It is a huge effort to retool the mess that your party left in welfare, the mess where welfare fraud was so out of control that people in jail collected welfare, and people with five cars registered with one ministry were collecting welfare from another ministry. The out-of-control welfare mess is just ridiculous.

I thought I had seen everything. First the NDP at the beginning of the week talks about tax cuts, and now they're lecturing on how to run a welfare system. I'll give it, Mr Speaker—they've got nerve.

## BUSINESS OF THE HOUSE

**The Speaker (Hon Gary Carr):** The government House leader on the order of business for next week.

**Hon Janet Ecker (Minister of Education, Government House Leader):** Pursuant to standing order 55, I have a statement of business of the House next week, just very quickly.

Monday afternoon, we'll continue debate on Bill 87. Monday evening, we will continue debate on Bill 60.

Tuesday afternoon—there are some negotiations ongoing about the business, that will be determined; Tuesday evening, we'll continue debate on Bill 69.

Wednesday afternoon and evening, that is still under discussion and we may have some more on that later.

Thursday morning, during private members' business, we will discuss ballot item 25, standing in the name of Mr Parsons; and ballot item 26, standing in the name of Mr Gravelle. Thursday afternoon's business is also being discussed.

## PETITIONS

### COMMUNITY CARE ACCESS CENTRES

**Mr Ernie Parsons (Prince Edward-Hastings):** "To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of \$175 million due to a funding freeze by the provincial government; and ...

"Whereas due to this funding shortfall, CCACs have cut back on home care services affecting many sick elderly Ontarians; and

"Whereas these cuts in services are ... forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately institute real patient-based budgeting for health care services, including home care, so as to ensure that working families in Ontario can access the health care services they need."

I am pleased to add my signature to this petition.

1530

### DRIVER EXAMINATION CENTRES

**Mr Carl DeFaria (Mississauga East):** I have a petition to the Legislative Assembly of Ontario. It reads as follows:



"Whereas an Etobicoke-based ministry test site is using residential streets in Mississauga to train students; and

"Whereas residents were not notified of a public hearing or forum indicating that this examination centre would be located in their neighbourhood and thereby directly affecting the residents through increased traffic; and

"Whereas long-time residents of this community have seen the inconveniences associated with the airport runway issues and now must be further distressed with hazardous conditions in the community; and

"Whereas our children are being used as targets and practising pylons for driving students; and

"Whereas residents on Claypine Rise south of Bough Beaches reside on a U-shaped crescent for the main reason that there should not be any through traffic of any sort of vehicles unless it is local traffic; and

"Whereas the residents of Claypine would like to impose a restricted zone on our street;

"We, the undersigned, hereby respectfully petition the Legislature of Ontario as follows:

"(1) that the government of Ontario will confine all driving schools to their own municipality or local areas for practising with their students;

"(2) that there will be a restriction on the usage of Claypine Rise as practice or test ground for driving schools."

I affix my signature to this petition.

#### LONDON HEALTH SCIENCES CENTRE

**Mr Dwight Duncan (Windsor-St Clair):** I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario; and

"Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

"Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

"Whereas these cuts will put the health of the people of southwestern Ontario, and particularly the children of southwestern Ontario, at risk; and

"Whereas these cuts will diminish the London Health Sciences Centre's standing as a regional health care resource; and

"Whereas these cuts will worsen the continuing physician shortages in the region;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Mike Harris government take immediate action to ensure that these important health services are maintained so that the health and safety of people throughout southwestern Ontario are not put at risk."

I am proud to affix my signature to this petition.

#### CRUELTY TO ANIMALS

**Mr Garfield Dunlop (Simcoe North):** "To the Legislative Assembly of Ontario:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment that they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as quickly as possible."

I sign my name to that as well.

**Mr Mike Colle (Eglinton-Lawrence):** This is a petition to the provincial Legislature of Ontario:

"Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

"Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

"Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

"Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities and also strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the Society for the Prevention of Cruelty to Animals to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public."

I affix my signature to this petition and I fully support it.

#### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** I am pleased to present further petitions from the Hamilton second-level lodging home tenants task force, and the petition will be received by Emma McGuire from Kingston. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas individuals who are tenants or residents in facilities such as care homes, nursing homes or domiciliary hostels under certain acts are provided with a personal needs allowance to meet incidental costs other than those provided by the facility; and

"Whereas the personal needs allowance has been fixed by the Ontario government at a rate of \$112 for nearly a decade and has not kept pace with cost-of-living increases, and furthermore is inadequate to meet incidental costs such as clothing, hygiene products and other essentials;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to immediately review and amend provincial legislation to increase the personal needs allowance from \$112 a month to \$160 a month for individuals living in care homes, nursing homes or other domiciliary hostels."

Again, I add my name to these petitions.

#### CRUELTY TO ANIMALS

**Ms Marilyn Mushinski (Scarborough Centre):** I have the following petition to the Legislative Assembly of Ontario.

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I am pleased to affix my signature to this petition.

#### AUDIOLOGY SERVICES

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I have a petition to the Legislative Assembly of Ontario.

"Whereas services delisted by the Harris government now exceed \$100 million in total;

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I affix my signature to this petition.

1540

#### MUNICIPAL RESTRUCTURING

**Mr Mike Colle (Eglinton-Lawrence):** "To the Legislative Assembly of Ontario:

"Whereas the citizens of Victoria county had no direct say in the creation of the new megacity of Kawartha Lakes; and

"Whereas the government by regulation and legislation forced the recent amalgamation, against the will of the obvious majority of the people; and

"Whereas the government has not delivered the promised streamlined, more efficient and accountable local government, nor the provision of better services at reduced costs; and

"Whereas the promise of tax decreases has not been met, based on current assessments; and

"Whereas the expected transition costs to area taxpayers of this forced amalgamation have already exceeded the promised amount by over three times,

"Be it resolved that we, the undersigned, demand that the Legislative Assembly of Ontario immediately rescind this forced amalgamation order and return our local municipal government back to the local citizens and their democratically elected officials in Victoria county and remove the bureaucratic, dictatorial, single-tier governance it has coerced on all local residents."

I affix my name to this petition by thousands of people in Victoria county.

#### HOME CARE

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My petition is to the Legislative Assembly of Ontario.

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond the control of community care access centres; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based



health care planning rather than simply by underfunding the system; and

“(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities’ rapidly growing needs; and

“(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year.”

I affix my signature to this petition.

**The Acting Speaker (Mr Bert Johnson):** Further petitions? The Chair recognizes the member for Scarborough-Centre.

### CRUELTY TO ANIMALS

**Ms Marilyn Mushinski (Scarborough Centre):** Thank you, Mr Speaker. I thought you did that the last time. That’s why I tapped on the mike. I appreciate your recognizing me here this afternoon.

This is a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

“Whereas those who commit crimes against animals currently face light sentences upon conviction; and”

**Mr Frank Klees (Oak Ridges):** Far too light.

**Ms Mushinski:** I agree.

“Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

“Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible.”

I am pleased to affix my signature to this petition.

**Mr Mike Colle (Eglinton-Lawrence):** To the provincial Legislature of Ontario:

“Whereas puppy mills and other cruel breeding activities are unregulated and unlicensed in the province of Ontario;

“Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

“Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

“Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers,

“We, the undersigned, petition the Legislature of Ontario as follows:

“That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities and that strengthens the powers of the Ontario

Society for the Prevention of Cruelty to Animals to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the SPCA to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public.”

**The Acting Speaker (Mr Bert Johnson):** I just wanted to explain that for 48 years I’ve been practising being able to look in one direction and speak or hear in another direction. It enables me to carry on a conversation while driving a car safely.

### ORDERS OF THE DAY

#### PROHIBITING PROFITING FROM RECOUNTING CRIMES ACT, 2001

#### LOI DE 2001 INTERDISANT LES GAINS TIRÉS DU RÉCIT D’ACTES CRIMINELS

Resuming the debate adjourned on October 10, 2001, on the motion for second reading of Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime / Projet de loi 69, Loi visant à protéger les victimes en interdisant les gains tirés du récit d’actes criminels.

**The Acting Speaker (Mr Bert Johnson):** Further debate?

**Mr Peter Kormos (Niagara Centre):** I am pleased to speak to this bill and I am just looking for the copious notes that my office sent down to me earlier today.

**The Acting Speaker:** Could I address a question? Is this the leadoff for your caucus? I addressed the question for debate to that caucus. There wasn’t anybody who stood up. I would address it here. Is that all right with the member for Niagara Centre?

**Mr Kormos:** What had happened, Speaker, was that there was a remnant left on the government’s leadoff which they appear not to be utilizing. It’s their right not to want to speak to the bill. It’s their bill. But the leadoff then would go to the Liberals. If they’re prepared, I’ll cede the floor to them.

*Interjection.*

**The Acting Speaker:** I’m standing up and I’m occupying the Speaker’s chair now and I’ll exercise the responsibilities and duties of that office. I would just like to explain what and why I am doing it.

Further debate? The Chair recognizes the member for Eglinton-Lawrence. Do you know, though, if this is your leadoff? It is. Thank you.

**Mr Mike Colle (Eglinton-Lawrence):** I appreciate your understanding, Mr Speaker. I wish to notify the Speaker that I will be splitting my time with the member for St Paul’s.

It is my pleasure to address the House with regard to Bill 69, the Prohibiting Profiting from Recounting

Crimes Act, 2001. I think the government's intention is to hopefully protect victims by essentially prohibiting profiteering from crimes.

As you know, over the years there have been all kinds of examples of people who have written books and profited from crime. There was a great debate during the celebrated Bernardo case of the monstrous murderer whether people should be profiting from crime at the expense of the innocent families that were victimized by these incredible tragedies set upon them by that individual.

I think the basic thrust of the bill is a good one. You can't really argue about too many things in it. We as a party think we should remind ourselves—I know our own leader, Dalton McGuinty, was very prominent—of the unfortunate tragedy in Ottawa when the OC Transpo workers were shot down. Dalton McGuinty asked for immediate compensation for those families. It was very difficult to get that accepted. I remember there was a bureaucrat in Ottawa who refused to give compensation to those families. After a public outcry, and thanks to the people of Ottawa who spoke up, the OC Transpo victims and families received compensation.

#### 1550

As you know, in terms of victims, we had some very good initiatives by my colleague from St Paul's, Michael Bryant, on the replica gun bill, which I think reminds people that you can also cut down on crime by eliminating real guns and replica guns. Also there were Rick Bartolucci's bills on sexual predators and soliciting, prostitution, from underage children. Certainly David Levac, our member from beautiful Brantford, forced the government to abandon its drive-through prison system that allowed convicted drunk drivers and drug dealers to spend their jail sentences in their homes.

These have been some of the initiatives by our party in terms of ensuring that nobody profits from crime. We know of all kinds of potential hazards, because we live in a society where there are people who essentially live off the avails of crime. They do it at the jeopardy of and with consequence for the victims, who essentially have no way of protecting themselves. There has to be very serious protection and consideration given to that.

I want to give you a couple of examples that are maybe not known to a lot of people outside Toronto. I will give you one example of a situation that occurred in my own riding where an individual has basically been living off of crime for the last number of years. He has been running a private school in my riding. This individual is up on 44 cases of fraud. He has defrauded everybody from banks to car companies, but worst of all this individual has lived off the crime, basically, of pretending he runs a school when he does not.

This individual, who runs this school called St James Academy, defrauded families of their hard-earned money by pretending to operate schools that were to teach children with learning disabilities. There were no books and basically no trained teachers. The facilities were there without even a blade of grass in the so-called schoolyard.

The school itself looked like a warehouse, at the corner of Lawrence and Caledonia in the city of Toronto.

This individual basically profited and made money from families, took money from them, said he was running a school to help children with learning disabilities. He took advantage of those poor, innocent victims, took money, and continued to do this. It wasn't for one year or two years; this individual has been defrauding parents and students over the last 10 years.

He was able to do this because there was essentially no government ministry that took on this perpetrator of criminal acts. I asked the Ministry of Community and Social Services. I asked the Ministry of Education. I asked the Ministry of Labour, because this individual also pretended to hire teachers who taught in his school and he never paid them. So he took their money also; he basically took their labour.

This individual even went to China and took money from Chinese citizens who thought they could get a break and get a visa to come to Canada. He took approximately \$20,000 from over three dozen Chinese citizens, claiming to offer them a student visa and an education here in Toronto. Anyway, there was no visa, no education program, so he even perpetrated his crimes overseas in China.

This school operated by this individual, a convicted criminal, was listed on the government Web site for education, so people who were looking desperately for a school to send their learning-disabled child to saw this school listed for years on the government Web site. Therefore they thought the government sanctioned this school.

This individual was, in essence, taking advantage of these poor victims, profiting by undertaking these criminal acts of fraud, and four or five government ministries could not shut him down, year after year. This is how these criminals work. They are basically without conscience, they are blatant, a lot of them are sociopaths.

So here we have, in essence, a sociopath pretending to be the principal of the school. Some of the crying parents told me he even had a diploma on the wall that said he was Dr So-and-so, claiming to have a degree as a doctor. According to press reports, it was found that he had a doctorate from a fictitious school in the United States. You put \$20 in the mail, and you can call yourself whatever you want—another fraud perpetrated on desperate people looking for education for their children.

This school, St James Academy, operated continuously without any admonition from the government. Again, this individual was essentially taking advantage of innocent children who, for the most part, had learning disabilities and didn't have English as a first language and whose parents were desperate. In one case, one parent was the guardian of a child who had been in an incredible domestic situation where a murder was perpetrated in his presence. The parent in charge of this child was desperately looking for a school for this very troubled 13-year-old. She looked on the government Web site, and there was this school advertised on the govern-



ment Web site. She was so desperate she ended up enrolling that child in this government-registered school. When she got there, she couldn't believe this was really a school. She had paid \$13,000. Do you know what it's like, in any place in Ontario, to get \$13,000 together? This poor mother, who was in charge of this adopted child, a ward of hers, has not got back that \$13,000.

In some cases, young children who spent eight to nine months or a year in this school received no credit, when they were promised a credit by this fraudulent school principal. To this day, those children have not received any credit, and their money has not been refunded. These are victims of crime, because they have not received their money back. We've got victims of this criminal act over in China who are trying to sue this individual. But they can't sue him because they'd have to line up with about 500 other people who are suing this individual who has defrauded people right across the country.

This is the kind of criminal act that this government basically did nothing about. These victims still do not have their money back, because they can't sue the guy. As I said, he's up on so many charges that there are literally millions of dollars owing to people all over the country, if not internationally. As a parent who gave that school \$13,000, how do you get your money back?

I think that family, those families, those children are victims of crime. They should be compensated by the government, because this government knowingly advertised this school on their Web site. When they were given complaints—the Premier got complaints, the Minister of Education got complaints, the Minister of Community and Social Services got complaints—they did nothing, and this individual continued to perpetrate his criminal fraud on innocent victims.

These are the types of things that happen in our society, and we do need protection from them. There is unequivocal agreement that crime victims, through no fault of their own, are put into a situation where there is nowhere for them to turn. We have to send a strong message to perpetrators of these criminal acts that we will not, essentially, look the other way when criminal acts take place.

1600

Yesterday I talked to an individual who is very familiar with the situation at the Don Jail. I'll tell you how stupid government can sometimes be. I don't know if you've ever been to the Don Jail, Mr Speaker, or visited there. You don't want to be a visitor or whatever; it is probably the worst black hole of a prison anywhere in North America. Anyway, that place is filled with people with hepatitis B, AIDS and all kinds of diseases.

Do you know that if a person awaiting trial is transferred from the Don Jail to the Metro West Detention Centre and that person has hepatitis B—all a person with hepatitis B has to do is cough on you and you could actually contract hepatitis B. I'm glad the Minister of Health is here, because this may be something he can do something about. I know he's an attentive individual who may look into this. It may not be his jurisdiction, because

it's under correctional services, but he might be interested in this. If you're a hepatitis B prisoner in the Don Jail and you get transferred over to the Metro West Detention Centre, under the laws of this province, the guards and the personnel at the Metro West Detention Centre and the driver of the paddy wagon are not allowed to be told you have hepatitis B. So unknowingly, these innocent victims, these hard-working people in our jails or whatever, have to take these prisoners not knowing that if that prisoner coughs on them, they could catch hepatitis B. Under Ontario law, you cannot tell people that you've got a health condition, even if you are a convicted criminal passing from one jail to another.

To me, those jail guards are innocent victims. They're trying to do society good by defending us against people who have been convicted or jailed. They cannot even get the government to listen to their pleas to notify them if the people under their charge are suffering from a contagious disease. It is not allowed in Ontario to give that information out to the jail guards and the people who work in the jails, whether it be in the cafeteria feeding these prisoners or whatever. You can't get that information.

Where in Bill 69 is there an attempt to address situations like this, where unwittingly or through its own negligence the government doesn't take proactive steps to defend the interests of innocent Ontarians who are caught in these situations? You wouldn't want to wish hepatitis B on anyone. Maybe you don't get this in Listowel or beautiful Stratford, but in the city of Toronto, sad to say, there are a lot of junkies and drug addicts who suffer from hepatitis B. They are in our jails and they're being transferred from jail to jail, and the poor jail guards aren't even made aware of the fact that these prisoners have these contagious diseases.

We have cases like this, which demonstrate that whether you're a fraud artist saying you're the principal of an Ontario school or whether you're some poor jail guard who's trying to protect his own health, we've got a government that sometimes is maybe too big and bureaucratic to stop to think that we've got to use some proactive listening to fix some of these problems so we don't have more innocent victims. We've got to have a government that looks out for things they can fix to help people, that is looking out for the interests not so much of the system but of the individuals in the system who get caught and are victimized by the callousness of a system that surrounds us in this province.

These are examples of why we need to protect victims. We've got to make sure no profiting takes place—sometimes we have film companies that come to Toronto and want to jump at the opportunity of glorifying some horrific act. I think that's got to be given a second look. At the TTC, one time, there were a couple of film companies that wanted to film some horrific things on the transit system. That was blocked. It's a difficult decision, but sometimes you have to ask, "Who are they benefiting by having such a film production?"

In this province, we have numerous cases of people who, through no fault of their own, get caught in criminal

activity. We have to ensure that those people are given the best possible ways of ensuring they are not victims of a crime, monetarily and health-wise. We have to make sure that the people who perpetrate these crimes are also given a strong signal that their crimes will be dealt with in a quick and focused way, with due process, but with a punitive effect, to make sure they don't repeat these crimes against other individuals, because the sad thing about crime is that there is repetitive nature to it.

People sometimes, through being repeat offenders or whatever it is, get into a culture of crime, and they see criminal activity as a way of profiting. We are concerned that this type of criminal has to be stopped and has to be stopped in such a way to give a strong message to everyone that this is not tolerated in Ontario.

The last comment I'll make is in terms of the most horrific thing that we see over and over again. I mentioned the junkies and hepatitis B in the city of Toronto. While we have the tragic event of September 11—which is maybe the most horrific premeditated crime we've ever seen in our lifetime, and I hope never to see again—with untold victims, we have to ensure that we take a lesson from that tragedy in terms of ensuring that no one profits from this crime, whether it's the al-Qaeda network or these horrific organizations, that they in no way profit from this crime. But we also have to make sure that we give a lesson to all criminals.

The other criminal area that is sometimes swept under the rug, because it doesn't seem to get the attention it deserves, is the whole area of drug dealing—the selling of drugs and the manufacturing of drugs—which is taking place quite regularly throughout our major cities in Ontario. Sometimes our police forces don't have the resources, but we need to remind people that there are all kinds of people behind the scenes who never go to the Don Jail, who never go to prison. They're the people who walk around in the fancy suits, who are financing these criminal activities. They're the people you don't see in the television news at night getting arrested for dealing drugs. There are too many of these ringleaders that we don't catch who are profiting by crime, and they are profiting in the millions, if not billions, in terms of the sale and distribution of drugs in this city, in this province, in this country.

We are totally preoccupied, and justly so, with bringing to justice those mass murderers who perpetrated that day of infamy in New York City and the Pentagon, but we should also in this time perhaps think of sending a message out to all criminal organizations, the ringleaders, the people who are behind the scenes who set up the smuggling, who finance the smuggling, who launder the money. I want to want to see that targeted by this government, hopefully.

In co-operation with the RCMP, Toronto police and the OPP, we have to be very aggressive in going after the street dealers, and we have been. The police in Toronto do a magnificent job. I know in my own division, there is a great group of officers working out of 13 division who have been in the front lines in the war against drugs for

the last 20 years, day and night. They have been very valiant, very dedicated, and in fact even while the men and women in 13 division fight drugs and crime, they almost act like a service agency in my community. They host an annual Christmas dinner for the poor, they have basketball camps for the youth in the area. These are the police officers who are up to their eyeballs in catching criminals, but they're almost like a service club on top of their police work.

1610

But this war against crime that they have and the war against drugs which takes place is sometimes like the old story of the person standing by the river's edge and pulling out the drowning person, helping him come to life on the banks of the river. Then a half an hour later another body comes down the river gasping for air. You pull another body out and you say, "Wow, two people in one day." Then all of a sudden a third body floats down the river and you have to rescue that third person. Perhaps you ask yourself the question, "Maybe I should go upriver. What's causing all these people to come floating down the river, drowning? Perhaps the bridge needs to be repaired upstream. That's the cause of it. The bridge has collapsed." So I think just as you have to go upstream in saving people's lives, you have to go upstream in terms of fighting crime in this province.

Too rarely do we see these kingpins of crime arrested. Too rarely do we see the mega-millionaires who are profiting by crime arrested. We need to give more resources to our intelligence service. We need to give more resources to the RCMP, to the OPP, to local police, so they can catch not only, as I said, the ones who sell the crack on the street corner but the ones who basically are the CEOs or CAOs of the drug trade in this province and this city. They are the ones who eat in the fancy restaurants and drive the fancy cars and wear the fancy Armani suits. Those are the ones I hope the government goes after, because they're the ones who perpetrate crimes. The countless victims of drugs—the person with hepatitis B, the junkie and the addict—are also victims, as well as the person who has his home broken into because the addict needs money, as well as the jail guards who have to basically deal with people spitting on them, people coughing on them, people transmitting infectious diseases to them. They're innocent victims too. So we have a whole perspective of innocent victims and people who profit from crime in this province.

I hope this bill does a little more than what we've been doing in this area of ensuring that there's essentially no profiteering from crimes, whether it goes from the whole spectrum of—I won't even mention his name—the perpetrator of the crimes in St Catharines or the al-Qaeda network or these drug dealers who are sometimes glorified. We have to be very conscious of the fact that we, as legislators, have to look for ways of cracking down on not only the little criminals but the big criminals, who have the money and the resources. They can afford to pay for the best lawyers in town.

Those are my remarks and I appreciate your attention.



**Mr Michael Bryant (St Paul's):** I'm pleased to rise today to speak to this bill, although I have to say at the outset that while we support this bill, as we supported its previous incarnation in 1994, this bill is about blowing smoke. This bill is about the government trying to look like it's doing something in the area of crime, or anything at all.

It is extraordinary, I think, that right now, while the federal Parliament is readying itself to introduce an omnibus anti-terrorist bill that covers a number of different areas, while state assemblies across North America are introducing bills fighting terrorism, here we are debating a bill that already exists. Bill 69, which we're debating now, is making minor changes to a 1994 provincial law that prohibits criminals from profiting from recounting their crimes.

We all agree that criminals should not be able to profit in recounting their crimes. In fact, the courts have held that criminals cannot profit from recounting their crimes. There was already the ability through the common law for victims of crime to trace money back either through equity or through the common law and get any profits from crime that may have been obtained from the criminals.

That said, a bill was introduced by then-opposition MPP Cam Jackson, I suppose to make it clear, as we have to do from time to time, that not only in the common law but by statute in the province of Ontario one can obtain the profits from crime, in this case through the statute, that might have been wrongly and unjustly obtained by criminals in the recounting of their crime. That confirmation took place. The bill had all-party support and it passed in 1994.

I know that there are no reported cases of any victim of crime in the province of Ontario who had recourse to use this statutory tool—again, they could have made the claim under the common law—nor was there a reported case of any attempt to recoup profits from the recounting of a crime, because it clearly was not happening, or at least it wasn't happening to the point that it made its way into the reported cases. Our search of unreported cases came up with the same result; that is, this was not being used. Even if there were some unreported cases out there in which an attempt was made, it would be very surprising to me that it didn't find its way into the reported cases or into the media, because it would be extraordinary. It goes without saying, it just defies common sense that criminals should be able to profit from recounting their crimes.

But as I said, this has been a law on the books since 1994. It has been a law that has not really been used. If the government is going to take energy and time in this Legislative Assembly and through the Ministry of the Attorney General and expend it on making some changes to a law—there's only so much time that can be spent—surely we should be focusing on a bill that's actually being used. Making an amendment to a bill that in effect amounts to a dead letter is a futile exercise. It's a wasteful exercise. You have to ask yourself, why would

this government do that? Why would they do that? The answer is it's obvious the government is trying to look like they're doing something about this issue, when in fact it is not an issue that requires revisitation through amendment of the 1994 bill.

To make matters worse, when it became pretty obvious when then-Attorney General Flaherty introduced this bill that in fact it had been a dead letter for the previous six years at the time it was introduced, when the government came under criticism for using up the valuable resources of the great people in the Ministry of the Attorney General to bring forth a bill that was already on the books, when it was clear that all that had happened with the reintroduction of Cam Jackson's bill was simply that they were repealing Jackson's bill and cutting and pasting its contents into a new bill, I would have thought that when the House prorogued, when that bill necessarily died on the order paper, they wouldn't bring it back again, for goodness' sake, to take up the time of this House when, again, we already have this law on the books.

If it wasn't on the books and there were examples of judges saying, "You cannot recoup any profits that had been obtained by criminals in recounting their crimes," that would be one thing. That's not the case. The case has not been made in this House that in fact these cases are finding their way into the courts.

#### 1620

On the other hand, then-opposition MPP Cam Jackson perhaps thought that if in fact the bill was passed, if the statutory dots were connected to permit victims of crime to avail themselves of this remedy, maybe we would then see victims having recourse to such a remedy.

Guess what? That didn't happen, because, mercifully, this was not happening. We weren't seeing—the precursor to this bill in 1996, the Son of Sam law—instances of criminals profiting from their crimes, violating a fundamental principle that everybody understands, that crime shouldn't pay.

We've got it on the books, and if for some reason sometime down the line the situation arose where a criminal did that or attempted to do that and it wasn't stopped via an injunction by a victim of crime, which one would imagine it normally would be, if it wasn't stopped by that or if the book publisher or the movie producer or whoever wasn't convinced that this was the wrong thing to do, at least you'll have the remedy if this ever does come to pass.

So it already exists. There's no need for this. This bill is reflective of the kind of paper tigers that have been coming out of the government, particularly when it comes to victims of crime.

I am concerned, beyond that, even looking at this bill, that basically what the Ministry of the Attorney General is saying to victims of crime is, "If you've got a criminal who is somehow profiting from his crime by recounting the crime, you go sue them." That's what the government is saying to victims: "You go sue them." Is the government suing them? No. The government is putting

out, in black and white, the way in which the remedy would be obtained. But again, that was already on the books. That was already the law of Ontario, and the government knew that. If it didn't know it, it certainly knew it when Attorney General Flaherty introduced it. It makes it all the more shocking that the government would try and bring this in one more time, because, among other things, it's not a step forward for victims. Victims are being told they've got to do the work by going to court. That's not good enough.

So, fine, that's the criticism. What are some solutions?

Let me say that I'm very proud to serve in a caucus that has put forward a number of measures and initiatives and private members' bills and questions to try and assist victims of crime in Ontario.

In June of this year I introduced a private member's bill to basically entrench a provincial victims' service standard. Why? As has been said time and time again in this House, the Harris government's so-called Victims' Bill of Rights, passed in 1996, is a toothless paper tiger itself. We know that the Ontario Superior Court found in 1999 that it was unenforceable. Victims tried to enforce this paper tiger and were told by Justice Day that, in the words of the court, "The act is a statement of principle and social policy beguilingly clothed in the language of legislation. It does not," the court said, "establish any statutory rights for the victims of crime."

What kind of rights for victims of crime are needed in the province of Ontario? This is a bill which does not address that need, because the law is already on the books. It's an attempt to look like the government's doing something for victims when it in fact is not.

The private member's bill that I introduced relies, in no small part, on the recommendations provided by the Office for Victims of Crime, part of the Ministry of the Attorney General. It surprises me that we are now debating this bill, redundant as it is, as I've said, when we could be debating a bill that actually has some real, enforceable rights for victims of crime.

What do victims of crime need? Well, the Office for Victims of Crime says they need a provincial victims' service standard. Such a standard says that no matter where you live, no matter how big or small the community you live in, you will be getting the same treatment, the same benefits, as any victim in Ontario. So in cash-strapped Toronto—which is a result of downloading—where they cannot pull more blood from the stone, victims of crime in the riding that I have the honour of representing, St Paul's, would be getting the same services as anywhere else. Victims of crime in small urban and rural communities, no matter where they lived, would be getting the same standard, because there are communities, obviously, that are not being serviced or not being serviced equally. The argument here is, you shouldn't be penalized for living where you are if you're a victim of crime; all victims ought to be treated alike and receive the same standard.

There is no such provincial victims' service standard in the province of Ontario. That would be a right to

which victims could avail themselves; that would be a right that they do not now have. That would be a benefit that this government could in fact introduce, and that would be something that I would welcome to debate in this Legislature and, of course, support.

How could this government do it? Let's get the members of the government caucus to support my private member's bill that would institute a provincial victims' service standard.

Next, legal representation for victims where required: sometimes victims of crime are required to testify in order to meet the defendant's rights to answer in defence. If that victim is required to testify, it is important for the government to assist the victim. There are some victims who cannot get legal representation, and sometimes they're going to want to have legal representation. Of course, the crown is going to do their best, but not always are the interests going to converge. That has been the recommendation from a number of experts and supporters of victims of crime in Ontario and elsewhere. That's in my private member's bill.

Mandatory opportunity to present victims' impact statements: according to the 2000 report on victims' services in Ontario, the Office for Victims of Crime found that 53% of victims received no assistance in preparing a victim impact statement. When I say "assistance" and when I say a "mandatory opportunity to present a victim impact statement," I mean that the prosecutors, the Ministry of the Attorney General, must go beyond notifying the victim that they have the ability to provide this victim impact statement and go a step further to ensure that they actually get the opportunity. That may mean that they get the assistance that's necessary so they can make that victim impact statement. This was part of the victims' rights revolution that we have seen taking place in our lifetime—for some members here, not myself, in their legislative lifetime—where it became clear that victims were being left out of the equation. The defendants, the accused, had rights and had representation. The crown, of course, was trying to meet the charge in the court, trying to present evidence in a way that they were successful in prosecuting the accused.

But what of the victim? We found out that victims wanted to have a voice in this. The victims were being shut out by our criminal justice system. So the federal government said to victims, "You will have the opportunity to give a victim impact statement." But saying that you can give a victim impact statement is obviously very different than saying, "We shall give you the opportunity to do so. We shall assist you in doing so." That would be a victims' right that I would be happy to be debating in this Legislature. We can do so through my private member's bill.

Mandatory provision of information requested by victims: again, this is part of the victims' rights revolution. Being shut out of what's going on, often not knowing what's going on, ends up revictimizing the victims. Sometimes they find out after the fact what's happened. In the worst days of the treatment of victims in this



country, they might read about what happened in the newspaper as to whether or not there was acquittal. They need to know what's going on. They need to know for themselves, or with respect to their loved ones, the status of the case. They need to know the outcome of the case, obviously. They need to know how it's moving along, particularly given the delays that we have these days in Ontario in our courts.

#### 1630

Next, recourse for violation of victims' rights: the purpose of this right that I'm proposing in the private member's bill—it's obviously not located in this bill because this bill is a paper tiger—would be to reverse the current Victims' Bill of Rights put forth by this government which in fact provides for no enforceable victims' rights.

Enforceable employment protection is another element in my private member's bill. I have no copyright obviously on any of this; these are ideas that I want the government to take and adopt and put into their legislation, and it goes without saying that I will support these rights, because I've already put them forward on behalf of my constituency and on behalf of my caucus. I want them to become the law of the land.

With enforceable employment protection, I'm referring to victims who have to take an afternoon off or a morning off or a day off, time off in order to attend in court, to provide victims' impact statements or otherwise. They should not be penalized by their employers, and we found that some employers are not as sensitive as others. Employers should not be able to penalize victims for being a part of the criminal justice system which must be their right. Yet in fact that's what was happening. This would ensure that any employer who did that would have to pay the price—in this case a fine—and know very well that they would have to pay the price if they denied one of their employees the right to fulfill their victim's rights.

Last, mandatory treatment of victims with courtesy and respect: that may on the surface sound pretty obvious, but right now that's actually not part of the overall mandatory focus in this province, whereas it is in other provinces. What other provinces, you ask? Well, I'll tell you: Alberta, Quebec, Nova Scotia, Manitoba and British Columbia have victims' rights statutes which, unlike Ontario's existing victims' rights bill, impose obligations on the state to provide victims with information concerning the progress of their cases. British Columbia, Nova Scotia and Quebec have victims' rights statutes, which again, unlike Ontario's, create a mandatory right for the victim to be treated with courtesy and respect.

According to the National Center for Victims of Crime, every US state has enacted legal rights for crime victims; 32 states, additionally, have entrenched victims' rights in their state constitutions. Here in Ontario we have a law which has been described by the Ontario Superior Court as being unenforceable, as being beguilingly clothed in the language of legislation but merely a statement of principle and policy. So we don't have those

rights here in Ontario. They have them in other provinces in Canada. Victims have rights in other states in the United States, even in some of their state constitutions. Here in Ontario, no such rights. Incredibly, we've fallen behind the rest of the continent in supporting victims of crime. This bill, as I've said before, is not going to improve that one iota.

The Office for Victims of Crime in its report, *A Voice for Victims*, made 71 recommendations designed to improve victims' services in Ontario. One of them was to establish a provincial victims' service standard. Again, that's not in this bill; it is in my private member's bill. Let's get this standard one way or another, either through an opposition bill or through a government bill. But that's not happening with the bill that we have before us.

A close look at the public accounts of Ontario reveals that despite all the bluster and rhetoric about law and order from the Harris government, despite all the talk about crime, when push comes to shove the money is not being spent on victims in this province. Victims' assistance accounts for less than 1% of the operating budget of the Attorney General. It accounts for about 90% of the rhetorical budget of the Attorney General, but of the operating budget of the Attorney General it's about 1%. The proportion of the operating budget allocated to victims has actually decreased in the last two years. The rhetoric has increased, but the actual commitment has decreased.

In 1998-99, 0.78% of the operating budget of the Ministry of the Attorney General was allocated to victim assistance; in 1999-2000, it was 0.75%. I'm referring here, with these numbers, to the public accounts of Ontario, comparing 1998-99 to 1999-2000. In 1999-2000, the Attorney General spent about half the allocation than in the previous year on victims of abuse. Again I get that from the public accounts of Ontario.

The rhetorical agenda is clear: the Harris government will try to distract the public from the fact that the government is adrift by talking about crime. But even that rhetorical agenda is not backed up with operating budgets in the Ministry of the Attorney General. The spending is going down, even as the rhetoric gets ramped up.

According to Canadian Centre for Justice statistics, a study came out in December 2000 showing that only 14% of Ontarians believe that the courts do a good job of helping victims. This is below the national average of Canadians who believe that the courts are doing a good job of helping victims. I say to this government that we should be leading this country in terms of assisting victims. The public's lack of confidence in this government's assisting victims is a serious indictment of its rhetorical efforts to talk tough on crime. When it comes to crime, the Harris government is all talk, no action.

Other initiatives: date-rape drugs. We have a situation right now where only 6% of sexual assaults are ever reported to police, according to the Ontario Women's Directorate. In Halton region, the rape crisis centre is encountering two to three drug-induced sexual assaults

per week. Similar incidents have been reported in Toronto, Hamilton and London. So we've got a serious problem with the increased use of date-rape drugs.

I was shocked to find out from victims' rights advocates that if a victim wants to find out whether or not they've had a date-rape drug slipped into their drink or otherwise, they cannot do so right now, as a right; they cannot. They have to go to the police and report the crime. Well, here's the problem. As I said, 6% of sexual assaults are reported. The government's response to that is, "We want victims of crime to report crimes to the police." Open sand, enter head. This government, when faced with the reality of what happens to date-rape-drug victims, said to 94% of victims of date-rape drugs, "You're on your own. Too bad."

Of course the problem is, and I guess the stupidity of it is, that if in fact the agenda is to get more victims of date-rape-drug crimes to report to the police, then give them the opportunity to find out whether or not something has happened. It's that kind of crime. Typically, the police report, the victim will wake up the next day and not quite know what happened. The last thing they're going to want to do is make a fool out of themselves. The first thing they're going to want to do is find out what happened to their body.

If you can get a cholesterol count through our health care system but you can't get a test for date-rape drugs, and the government has been made aware of it and at the end of the day it's doing nothing about it, it confirms my concern with this bill, which again we support because we supported its previous incarnation, that yet again this government is all talk, no action.

**Mr Joseph Cordiano (York South-Weston):** I'm very happy to speak on this bill. At the outset let me congratulate my colleague the member for St Paul's, who has done a masterful job as our Attorney General critic. When it comes to matters of law and order, I think he has done just a terrific job pointing out how, in the face of a number of these types of paper tiger bills, as he puts it, this government attempts to create the perception out there that it is doing a great deal about law and order and is doing a great deal when it comes to victims of crime. He has repeatedly pointed it out, and not only pointed it out but I think demonstrated with his own initiatives with a number of private bills. His replica gun bill, which this government saw fit to pass, was a demonstration of just that. He has, I think, done a masterful job, as I said, and as well with regard to his victims' rights bill. I want to go into that in just a moment.

1640

But let me just say from the outset, again, that this government has not really enacted any legislation that has any teeth when it comes to victims of crime. Of course our caucus supports this bill, because we are entirely against—the very notion that someone could profit from their crime is reprehensible. None of us could support that in this Legislature, let me say. I don't think there would be anybody who would have any argument with that.

But, really, what it comes down to is that, time and again, this government has not introduced real legislation that effects the kinds of changes that we would like to see and that would empower individuals, victims of crime, in the way that I think has been illustrated by my colleague, the member for St Paul's.

This bill would make the government responsible for acting on the victims' behalf; however, it requires that regulations be brought in to do just that. As my colleague pointed out, in all of these cases the victims of crime will have to sue in order to prevent criminals from profiting by recounting their crimes. This would be a very difficult and onerous process. In fact, if the crown did receive the proceeds of that crime after taking initiative—the crown could take initiative to sue criminals—the proceeds from the crime, given to the crown, would not entirely then go to the victim of that crime. There would be some complications for the money that was collected, so not all of the proceeds would end up in the hands of those victims.

I think there is something to be said about this. As was pointed out, this legislation wasn't really necessary. Previous legislation that was enacted did much the same thing to recoup the money paid from the proceeds of recounting a crime, so this legislation is rather toothless and does not put into effect the kinds of conditions that would effect an easier transition for the proceeds of crime to end up in the victims' hands. That is to say that we should have a much stronger act that deals with victims of crime.

Let me just reiterate some of the aspects of the victims-of-crime bill that was introduced by my colleague in his private member's bill. These are some of the things that I think this government should take note of, because it has not done so with regard to its own legislation.

Legal representation for all victims of crime: the government should assist with that. When it comes to impact statements, as he put it before, it's simply not doing that. It's not assisting with the writing of an impact statement. There should be assistance.

The government should go beyond just notifying victims of crime, ensuring that there is mandatory information that's provided for the victims of crime so that they know what's going on. Oftentimes victims of crime do not know what is taking place and are not informed.

Victims should also not be penalized for taking time off from work write their impact statement or to have it put in place. These are sensible recommendations that have been made with respect to the private member's bill.

His last point was that all victims of crime should be treated with respect. Other provinces have similar statutes in place that treat victims of crime with a great deal of respect, that would inform them and allow them to have assistance in all aspects of making a submission, an impact statement. There are other jurisdictions that do much the same thing.

In the end I think what I've heard some government members say is that when it comes to law-and-order



issues, the Conservative Party, the government, believes it has a monopoly on this issue. The perception of the public is that this government is very much in favour of promoting that agenda, and they score high marks for it. Frankly that is not the case. I tell you that when you look at the facts, the facts are that this government does not have any real, strong legislation to deal with these issues. Most of what this government has done has played to that perception, by and large, but there are no teeth in this legislation to effect those changes.

I say to the government members that maybe that is the perception. I doubt it. I think our critic has done a great job of informing the public that that is not the case, and other members of our caucus are doing much the same. We would stand up and support what you were doing if that was the case, but it's not the case.

Largely it's also an emanation from this government that it's not spending the kind of dollars it should be spending in a variety of areas. This happens to be just another example of that, a lack of funding when it comes to law-and-order issues. In fact its legislation is rather weak and needs to be strengthened when it comes to victims of crime. So this government repeats itself. Its pattern is clear: it doesn't fund these initiatives properly, it has weak legislation and we continue to have problems right around this province.

I am a member who represents a constituency in the Toronto area. Obviously that is a constituency, like other Toronto-area constituencies, that has a number of difficult problems to deal with. These are matters of great concern for us when it comes to law and order. It would be wise of the government to take this area far more seriously and dedicate more resources, not only with respect to dealing with policing but also prevention.

Again, I would say the government needs to strengthen this legislation, along with other victims-of-crime law.

**The Acting Speaker (Mr Frank Klees):** It's time for questions or comments.

**Mr Kormos:** This is the two minutes I have to respond, to make comments, to pose questions. Michael Prue, the member for Beaches-East York, is going to use his two minutes as well. We're going to hear from a couple of members from the other parties, but then I'm going to have a chance to speak to this bill.

I'm going to be speaking to it for an hour. I'm going to talk about the bill before the House and I'm going to talk about the bill it repeals. Since the bill deals with victims' rights, I'm going to talk about this government's failure when it comes to victims' rights, and I'm going to talk about this government's failure when it comes to real law and order and public safety in our communities.

I'm going to talk about victims of the crime of extortion being imposed on them on a daily basis by the cable television companies of this province, people like COGECO who are ripping off their consumers, giving them poor quality service and toying with them, playing with them, feeding them some of the most embarrassing stuff while at the same time extorting larger and larger amounts of money from them. Yes, companies like COGECO and their sister and brother group, admittedly

regulated federally—not regulated very well, I'll put to you, not very well at all. You talk about victims of crime: people who have signed up with COGECO cable down where I come from are being victimized on a daily basis, on an hourly basis, virtually every minute of the day.

*Interjection.*

**Mr Kormos:** If somebody from the government benches wants to defend the cable companies, feel free. I'd love to hear a defence of cable in this province or in this country. I'd love to hear a defence. The cable companies can't defend themselves, because there is no defence for what they're doing to consumers.

I'm looking forward to the hour I have with respect to this bill, and I'm looking forward to hearing the response of Michael Prue, the two minutes he has in just a few minutes from now.

1650

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I'd like to make a few remarks to the three Liberal members who spoke. The member for Eglinton-Lawrence expressed his general concerns about victims and indicated he's going to support the bill. The member for St Paul's said he doesn't like it but he's going to support it anyway. The member for York South-Weston gave a testimonial to the member for St Paul's and then said he's going to vote for it too.

The opposition seems to have taken a tack that this government is doing nothing with respect to victims' rights. They know that's wrong. They know we've done a lot and we're continuing to do a lot. This bill, which prohibits profiting from recounting crimes, is part of a plan our government has been developing to help victims. Of course, it started with Mr Jackson's private member's bill, the Victims' Bill of Rights.

There are other pieces of legislation and plans that we've put forward. Some of them have passed and some of them are currently before the House: the Victims' Bill of Rights Amendment Act, which creates a permanent office for victims of crime; a province-wide assaulted women's crisis line; the introduction of Bill 60, the Victim Empowerment Act, which is currently before the House and which, if passed, would allow victims of crime greater participation in parole hearings; Bill 117, the Domestic Violence Protection Act, which was given third reading; Bill 86, the Rescuing Children from Sexual Exploitation Act, which is currently being debated by the House; and finally, the introduction of Bill 30, which provides civil remedies for organized crime.

**Mr James J. Bradley (St Catharines):** I enjoyed the remarks of Mike Colle, Joe Cordiano and Michael Bryant, as we would know them. I thought they analyzed the legislation very well. They found it to be wanting in some cases, but suitable enough to be supported in general principle, and without the usual hostage the government puts in a bill so the opposition won't vote for it, so they can then tell the people the opposition didn't vote for it. I know you would never believe that, Mr Speaker, but that's what they do.

I hope they put the resources into dealing with the provisions of this bill. I'm concerned that those resources

won't be there for two reasons. One, they're giving \$2 billion in tax cuts to the corporations, and two, they're spending so much money on self-congratulatory, clearly partisan government advertising that they don't have the kind of funds they should have to enforce the provisions of this bill.

It does affect my constituency in a certain way. I recall the revulsion that I think all of us in all parties in this House felt last year when a company said it was going to make a movie about Paul Bernardo. Jason Priestly was going to be the star, and it was going to, if not glamorize it, certainly give a lot of publicity to it.

One would hope that the company listened to those of us who wrote to the company and said they should not proceed with this, that if they were doing a fictitious movie about a fictitious circumstance, that was one thing, but it would be very hard on the families to put up with a film glorifying Paul Bernardo and his accomplice, Ms Homolka.

I am supportive of a bill that will ensure, as well as we can, that there is not an opportunity for people to make money when they have committed the crime and then wish to exploit the crime for financial purposes after. I think my colleagues have done a good job of speaking to that.

**Mr Michael Prue (Beaches-East York):** I'd like to stand up just for two minutes to talk. I especially appreciated the comments of Mike Colle about the Don Jail. I'm not sure exactly what that had to do with this bill, but it took me back to my previous job, when I worked in the immigration department. I spent many hours in the Don Jail and can tell you from first-hand experience what a horrible and reprehensible place that is, not necessarily the people who are housed inside but just the old building and the decrepit conditions that I'm sure exist to this very day.

But the real issue here I guess is the victims of crime. I've listened to the debate with some interest today and I have to ask, are we really dealing with victims of crime? I have met many victims of crime: people who have been beaten up, people who have been robbed, people who have been raped, people who have had all manner of things stolen from them. I have never, ever met a victim of crime who has had somebody profit by going out and talking about it or publishing a book about it. I'm wondering why all this time is being spent—and maybe I'm a rookie here—on something that in my lifetime I don't remember actually happening, other than when Clifford Olson tried to do it many years ago.

How many people have heard criminals brag about what they're doing and publicly go out and try to make money off it? I don't think very many. I'm hoping the debate takes its due course, but the reality is that this is not likely to solve one problem of the people of this province. There are so many things we could be debating, so many things the government should be bringing in that are far more important than this.

It's fun to listen, the anecdotes are pretty good and the analysis is pretty good by some of my colleagues, but the

real issue isn't this, but how do we deal with victims, real victims?

**The Acting Speaker:** Time for response.

**Mr Bryant:** I obviously enjoyed and learned from the great speeches of the members for Eglinton-Lawrence and York South-Weston, and of course the comments from the members for St Catharines, Niagara Centre, Beaches-East York and Dufferin-Peel-Wellington-Grey.

Let me just say this. This government, through this bill, is trying to blow smoke and talk about security and crime. But today the government of Ontario had an opportunity to actually do something about a real concern when it comes to the security of the people in the riding I represent, St Paul's.

There was a break-in at a water reservoir, and even if there was just the threat of a break-in, the people of Ontario need to know that their water is safe. Of course we're at a time of heightened anxiety. People need to have public confidence. Today I asked the Solicitor General, "Until such time as your security advisers' advice is implemented by this government, will you on an interim basis put the resources forward to permit either the OPP or municipal police forces to restore public confidence in our public works and public sites and, in particular, conduct an emergency audit for security of all of our water reservoirs to make sure they cannot be broken into? And second, let's get some police standing on guard for thee out there so as to give people the confidence they need in their water supply."

Again, do we need to have them on guard for the next 20 years? I don't know, but I do know that right now the people need that confidence. Do you know what the Solicitor General said to that? The Solicitor General stuck his head in the sand and said, "It's not my responsibility; it's the municipality's."

There are states that have brought in the National Guard, most international cities have fortified their public sites, and this government continues to blow smoke. They're all talk and no action when it comes—

**The Acting Speaker:** Thank you. Further debate? For clarification, this is your leadoff hour?

**Mr Kormos:** Yes, sir.

**The Acting Speaker:** Thank you.

**Mr Kormos:** Here it is Thursday afternoon, 5 pm. Jim Bradley is here in the Legislature—

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** On a point of order, Mr Speaker: correct me if I'm wrong. I thought I might be the next speaker. I'm not sure.

**The Acting Speaker:** The member missed his rotation. You were actually scheduled to be first up. When debate began you weren't in the Legislature, it passed over to the Liberals and now the appropriate order—unless we have unanimous consent to allow the member to proceed with his debate.

1700

**Mr Kormos:** On a point of order, Mr Speaker: I submit to you, sir, that it's not for the Speaker to move unanimous consent.



**The Acting Speaker:** I'll simply make the offer to the House. If you want to move it, you can do so.

**Mr Kormos:** Far be it from me to give unanimous consent to forfeit my time on this Thursday afternoon.

**The Acting Speaker:** Member take his seat.

**Mr Kormos:** Thank you kindly, Speaker.

**The Acting Speaker:** You have no idea what a pleasure it is for me to tell you to take your seat.

The member has missed his rotation. We'll proceed with the leadoff for the NDP.

**Mr Kormos:** Thank you kindly, Speaker. And you have no idea how many people enjoyed your saying that.

My apologies to Mr Gill, but again, I tried to draw it to the government's attention when we started up. Gosh, nobody stood up. I went, "Holy cow. The debate's going to fold." The government had a remnant, as I understand it, of their leadoff, and I'm looking and nobody from the government's standing up and I'm doing my best to help. So I stood up and then the—

**Mr Garfield Dunlop (Simcoe North):** You put a lot of effort into it, Peter.

**Mr Kormos:** Well, I was doing my best. I stood up and then of course, to be fair, once the government blew its chance to finish the remnant of the leadoff, the opportunity went to the official opposition. I want the official opposition to note because I ceded the floor.

*Interjection.*

**Mr Kormos:** Well, I'd like to see some reciprocation from time to time.

One of the issues here that is very important is to contrast the bill before the Legislature and the bill that it repeals. So understand, this debate has already spent some time—nowhere near enough—focusing on the repeal of the 1994 legislation. It's the Victim's Right to Proceeds of Crime Act, 1994, passed, as has been noted, as a private member's bill. It was Cam Jackson who moved it as a private member's bill. I recall, because I've been here for a little while, that it was the NDP government of the day that actually began what has become, to be fair, the more and more frequent, but perhaps not frequent enough, process of permitting private members' bills from opposition members to succeed.

One of them was Dianne Cunningham's helmet bill. That was the first time in a long time that anybody here could remember a private member's bill becoming law when the private member's bill originated in the opposition. The government of the day didn't scoop the bill, rewrite it and claim it as its own. No, they let Mrs Cunningham, a member of the opposition, carry it through committee, as it did with Mr Jackson's bill. The interesting thing—

**Mr Tilson:** It was a great government.

**Mr Kormos:** Well, there were some elements of fairness there that have been sorely lacking in the last while I've been here.

The interesting thing about the 1994 legislation of course, as you've already heard, is that there's no record of it ever having been utilized.

**Mr Bradley:** None.

**Mr Kormos:** Not once.

Now there are a couple of problems and the reason why—you've already heard from Mr Prue—is that by and large criminals are loath to recount their crimes. Criminals aren't going to sit down and write a book. What you're talking about is either criminals who are so far outside the jurisdiction—and that's increasingly difficult in terms of extradition treaties and so on, unless the crimes are the most modest ones—or criminals who have already been convicted and served their sentences.

In reflection of the bill and its impact, I tried to think of publications, similar things, that might have attracted the force of the bill. I thought of and recalled Roger Caron. Do any of you people remember him? Roger is an incorrigible thief. He's been in and out of jails all of his life here in Canada. He's also a brilliant writer. His first book, which I recall reading many years ago, *Go-Boy*, was his memoirs of Guelph reformatory back in the late 1950s, early 1960s, before that major penal reform took place here in the province, the one that Donald MacDonald initiated here in this Legislature.

Roger Caron's *Go-Boy* includes, in no small part, a significant recounting. He was what we would call a young offender now. He was only 16 or 17 years old in Guelph—in the old Guelph. If you think some of these joints are tough now, talk to some of the guys—and they committed crimes—who did time in those places back in the 1950s or even 1960s. Roger Caron's *Go-Boy*, I suppose, would be the subject matter of either the existing bill, that of 1994—in fact, more likely of 1994 because there are some interesting differences between 1994 and the bill before the House today. That's why I hope this warrants some committee hearings. You haven't heard anybody say that it's an evil proposition to deny criminals the profits from recounting their crimes.

**Mr Tilson:** Martel says she's going to vote against it.

**Mr Kormos:** Yes, but you haven't heard anybody deny that it's an inappropriate thing for criminals to be disallowed the profits from recounting their crimes. But I balance that against, let's say, Roger Caron and *Go-Boy*. I balance that against any number of things that one Mr Rowbotham could write.

I first met Mr Rowbotham by reading the law reports and the appellate decisions as a result of that major hashish drug-smuggling escapade, the conspiracy to traffic in drugs. Mr Rowbotham is now a reasonably well-known and respectable CBC journalist, who, when I've listened to him from time to time, has had some pretty relevant and interesting insights into the things he's reporting on, including some of his own history. As far as I am aware from Mr Rowbotham, he doesn't seek any sympathy for himself. He did the crime and did the time. But would Mr Rowbotham be excluded or prohibited or prevented from any meaningful publication of maybe—just maybe—some important things that he has to tell a whole lot of us, maybe important things he has to tell us about that criminal subculture around drug trafficking, drug importing, drug conspiracies? I suppose that would be now prohibited.

Certainly Alan Eagleson's memoirs would be prohibited by this legislation, because if they were complete in any way, shape or form, they would have to recount—think about it. We're telling Alan Eagleson, "Don't write a complete memoir. Write chapters 1 to 30, but chapter 15, leave blank." Come on.

We understand the motivation for this bill. Let's recall what happened, and Jim Bradley has already made reference to it. Two notorious rapist-murderers in southern Ontario were going to be portrayed in a Hollywood-made movie, presumably to be made here in the city of Toronto. I'm not even going to name them because I'm not interested in naming them. I don't think people should name them. It's so sad that more often than not the criminals' names are remembered far better than the victims', aren't they? The criminals are turned into Hollywood heroes and the victims are the bit players because they get whacked, they get shot, before you're five minutes into the movie. In terms of those horrible rape-murders down in southern Ontario, close to my home, I think we should adopt, as a standard, denial of any acknowledgement of the names of the perpetrators. We should spend more time remembering those young women, and other victims.

What happened is that there were not just rumours; there were newspaper column items, pieces about the prospect of this movie being made. I'm proud that the New Democrats immediately demanded of this government that the government of Ontario not participate in any way, shape or form, neither by permitting filming—because many of the government premises, places at Queen's Park and places around Queen's Park, are frequent and popular movie sets. The old city hall courtroom here in Toronto, you see it pop up week after week in any number of movies of the week, as a courtroom. We're proud of that industry, proud of that business, proud that Toronto can be a setting for what have been some very major and entertaining and profitable movies. But we said no, no to this government—ensure that no government facility, be it the old city hall courthouse, be it anything that this government has even the minutest control over, be used for the filming of that despicable event.

Furthermore, make sure that the film development corporation doesn't put a penny into it. I think we owe the victims, those young women, that much.

1710

I suspect the policy folks in the Attorney General's office—and it was a different Attorney General then—went, "Yikes! We've got to get something out there on paper to reflect what is some pretty strong sentiment about the prospect of one of those or both of those rapist-murderers receiving even a nickel or a dime"—because I am told that's what happens in these films. They hire these people as consultants, they pay them stipends for access.

Nobody disputes the proposition that foul, despicable people like the rapist-murderers—whether they're going to be in jail the rest of their life or whether they're going

to be released, they still remain rapist-murderers, no question about it—shouldn't receive a nickel, not a penny. Quite frankly, in that instance, going further, we don't even want to be party, here in the province of Ontario, to a movie being made of it. So be it. If Hollywood wants to make one, there's very little we can do to stop them except use some moral persuasion. But you're not going to do it right here, right here on the stalking grounds of those same vicious murderers.

There was no quarrel about that. I was pleased, because the government did respond, and the government did take the moves that it believed it could to counter that prospect. As it is, at the end of the day, it never unfolded.

But then we got the piece of legislation that we're talking about and that's before the House today. Somebody had to have read the Victims' Right to Proceeds of Crime Act, 1994, because the bill before the House repeals, of course, the Victims' Right to Proceeds of Crime Act of 1994. So somebody knew it was there.

I tell you, I would have much preferred to see a set of amendments to the Victims' Right to Proceeds of Crime Act of 1994 presented than this bill which repeals it. I'm going to tell you why, and I tell you: for some very good reasons.

One, the Victims' Right to Proceeds of Crime Act, 1994, applies to any crime. It doesn't apply to classes of crimes or certain levels or types of crimes; it applies to any crime—theoretically, shoplifting.

Furthermore, the Victims' Right to Proceeds of Crime Act, 1994, dedicates any proceeds from the recounting of the commission of that crime to the victim, himself or herself, or to a spouse who's left without a wife or a husband or children left without a parent. But the Victims' Right to Proceeds of Crime Act, which is being repealed by this bill, ensured that the money didn't go to general revenues. That's exactly what the bill before the House today does ensure. The Victims' Right to Proceeds of Crime Act ensures that it isn't the government that exercises its discretion about how monies are distributed or spent, and that's exactly what happens in the bill before the House.

Agreed, the Victims' Right to Proceeds of Crime Act, as a prerequisite, requires that there be a lawsuit initiated by the victim, whether it's the direct and immediate victim or whether it's by the spouse under the Family Law Act or children or parents; it requires that a lawsuit be initiated. But it interestingly also extends the limitation period—Speaker, you know this—for that lawsuit to, what, five years after the date of posting of receipt of any proceeds that a criminal would have contracted for. So in other words, the Victims' Right to Proceeds of Crime Act—and if I'm wrong about any of these things, please correct me—extends the limitation period. So it can't be argued, "Oh, well, what happens if the victim's limitation period runs out and then the criminal initiates a book or a movie?"

I appreciate the problem with forcing people to engage in lawsuits. I have a solution. It's not that big a problem. I would put to you that were the Victims' Right to



Proceeds of Crime Act before this House for the purpose of amendments, a reasonable amendment would be a surcharge, an imposition of some toll on the proceeds of recounting crime to pay for costs for people initiating those lawsuits. That wouldn't be difficult at all. You could even establish a clinic. You'd only need one in all of the province, because it would have interaction, contact, with similar legal aid clinics, let's say, in other communities to the north and south. That clinic would provide those services. In fact, you'd acquire some pretty significant specialization.

One of the things that I regret is that there are nowhere near enough lawsuits by victims. We've talked about a whole lot of stuff here over the course of the last several years and a whole lot of stuff that this government has put forward, and I understand: it's put forward to try to make it appear pro-victim and anti-crime. I understand the government's interest in trying to create that appearance.

The sex offender registry, which we supported—in fact, you'll recall I tried to make it tougher. I tried to make it broader. I didn't agree with the government that 17-year-old rapists weren't dangerous enough to include in the sex offender registry. I said, "No, 17-year-old rapists are as dangerous as 19-year-old rapists, and they should be in the sex offender registry as well."

This government disagreed with me. This government said, "Oh, no, 17-year-old rapists, we don't have to put them in the sex offender registry. We don't want to." I had amendments before the committee to that effect. I was very upset about that, upset because my amendments were designed to literally make the bill better, because we in the New Democratic Party support the sex offender registry and indeed we wish and we support the call for a federal sex offender registry so that Ontario wouldn't be isolated, because it is. So I was sorely disappointed that the government didn't agree with me that 17-year-old rapists are as dangerous as 19-year-old rapists and therefore should be on sex offender registries.

We do not encourage and facilitate sufficient civil action against criminals. I believe that every abused child in this province should be given adequate legal assistance to launch a lawsuit against the perpetrator, seeking civil damages, in addition to the Criminal Injuries Compensation Board, which, let's be fair, in the total scheme of things, because of the limited resources and the caps on settlements from the Criminal Injuries Compensation Board, doesn't amount to a whole lot. I believe we need those lawsuits. Yes, some will be against parents for sexual abuse. Some will be against strangers. Some will be against professionals. Some will be against friends of the family. But ensuring that those young people have the resources to initiate that lawsuit, and undoubtedly get judgment, ensures that they too are entitled to some compensation for the wrong done to them.

Is every offender with assets so that they can pay the judgment? Of course not. But many are.

You know, I used to be in the courts and I used to do criminal defence. I did. But I've always been bogged at

how the victim, then and now, when all was done and over with, oh, maybe if you're lucky you'd get an application form to the Criminal Injuries Compensation Board. But please take a look at some of the payments that are made under the Criminal Injuries Compensation Board for what you and I would consider very significant wrongs done to people. And of course, no payment for mere property damage.

But as I've told you before and, by gosh, I'm going to tell you again, you talk to a 90-year-old single woman whose house has been broken into, whose sole physical loss may have been the little jewellery box and the rings that her now-dead husband gave to her 70 years ago, and I'll show you a woman who is traumatized and injured and pained and worthy of some sense of recognition in way of compensation.

1720

Is monetary compensation perfect? Of course it isn't. Both the bill before the Legislature today and the 1994 bill that it replaces talk about monetary compensation. Does that replace a lost limb, a stolen heart? Does it replace a lost child? Of course not. But I tell you this as well: (1) it's as close as we can get; (2) it in some small measure—talk to victims and you'll discover this—indicates to them some sense of recognition of their loss and of their pain. I believe that; I really do.

So here we are, we're talking about legislation that's going to scoop, not inappropriately, profits or rewards that criminals make by virtue of recounting their crimes, either in books or in film or maybe hired for an interview on whatever TV show or radio show that pays for interviewees. But we're not dealing with the victim really, are we? We're expressing our repugnance toward that criminal being able to make some sort of income by recounting their misdeeds. Are we really thinking about the victim? I don't think so. That's what bothers me.

Here we are, we're aiming this way and we're doing our best but we miss it again. We're trying—and I'm not suggesting that the author of this bill wasn't trying—but missing the mark. I believe in a comprehensive program in this province to ensure that all victims—and if you want to use a means test, then fair enough, use a means test, but make sure it's a realistic one—but especially young victims have an opportunity to file civil suits against their wrong-doers so that judgment can either be effected immediately, if there are assets, or by goodness, if the perpetrator doesn't have money for another 10 years, wait for another 10 years. The judgment is still there and make that perpetrator pay.

You see, criminal law deals with the wrong against the state. That's one of the problems in our approach to this. One of the things that's happened, in my view, in criminal law over the course of the last 15 years is there's been this blending of civil concepts of wrong—you understand this too, Speaker. If I'm wrong about any of these things, I'm looking forward to being corrected. But civil law deals with compensation for the person wronged. It's a simplistic perspective but I think it's fairly enough said. Criminal law deals with the wrong

against the state and the state extracts its punishment. It gives very little justice to the victim in a criminal court. It may do the victim, in their hearts, some good to know that a perpetrator is sent away for six months, six years or 60 years, it may make them feel a little more secure, but it doesn't correct the wrong.

So what have we got? We've got a bill that repeals the 1994 legislation. The 1994 legislation covers all crimes; the bill replacing it covers only categories of crimes. Why I mentioned the break-and-enter—and to be fair, the break-and-enter would fall into the category of crimes in the new bill, no question about it. The maximum penalty for break-and-enter into a dwelling I think is still life, although it's never given. So it would still fall into the category. But doesn't the omission of many crimes trivialize those crimes? Why is the state saying certain crimes don't count? That's why I mentioned the break-and-enter, because people say, "Look, would I rather be broken into or beat up or mugged?" Most people say, "No, break-and-enter into my house when I'm not there." But I'm telling you that the injury can be as profound and as lasting. I'm concerned about this new bill before the House which applies only to certain crimes, and by doing so, trivializes those other crimes, and more important than trivializing those other crimes, trivializes the victims.

Once again let me put it this way: if somebody boosts my barbeque from my patio, for me it's one of those things, if it happens, it happens, and I go out and buy another barbeque. But there are people for whom that trespass, that intrusion alone, can be an incredibly shocking sort of thing. What we do then, when we trivialize or dismiss those kinds of crimes and say they're not worthy of consideration, is we tell those people, who now become obsessive about simply fortressing their own household in a community, that they should have to live like that. "No, let's forget them. They're not worthy of consideration." I don't think so.

I'll move on. The Victims' Right to Proceeds of Crime Act, 1994, which is being repealed, applies to all crimes. The bill replacing it applies only to certain classes of crimes, only to certain categories of crimes.

The Victims' Right to Proceeds of Crime Act ensures that any monies seized, obligated to be turned over to the government, are merely held in trust for the victim. The bill that replaces it doesn't reserve them solely for the victim. In fact, subject to how you want to read the provisions—this bill's got to go to committee because there have to be some questions asked and there have to be some answers given, because in the bill that's before the Legislature now, the one that repeals the 1994 legislation, the money seized is "deposited in an account" and "the Minister of Finance may make payments"—it's discretionary—"out of the account for the following purposes...to compensate persons who suffered pecuniary or non-pecuniary losses ... as a result of the crime."

This is pretty unusual. The bill should read "shall make payments to compensate those victims," shouldn't it? Is it going to be discretionary to the Minister of

Finance? That's what "may" means where I come from. You know the difference; I know you do. Black's Law Dictionary, around page 487: "shall" versus "may", a very important distinction. The bill says "the Minister of Finance may make payments." That to me—I know this sounds wacko but I'm sorry, that's what the bill reads—means the Minister of Finance may refuse, so that if a victim from my community says, "So and so had a movie made about me of the crime they did," the Minister of Finance, because "may" is discretionary, can in his or her discretion say, "No, we're not going to compensate your victim." I don't find that acceptable and I don't think other members of this assembly should find it acceptable.

As well, since there is no lawsuit involved, there is no standard for the amount the Minister of Finance shall pay out, or may pay out. The Minister of Finance, in his or her discretion, can say, "That's worth a thousand bucks." What happens to the other \$99,000? At the end of the day the other \$99,000, if it's "more than is required for the purposes referred to in paragraphs 1 and 2,"—and I'll get to paragraph 2—"such other purposes as are prescribed by the regulations." Come on, guys. We know what that means. It means general revenues, or it means any number of things none of which have to do with law enforcement or with enforcement of any regard, or heed to any regard, for victims of crime.

The second purpose for which the money can be used is "to assist victims of crime". I find that an interesting proposition because we've already heard that the 1994 act has not resulted, insofar as anybody's aware, in a single penny being seized.

First of all, what the bill really does—let's cut through all the stuff—is create a disincentive to recount crimes, doesn't it? It doesn't say you can't do it, right? Ontario's most vicious rapist-murderer can still write a graphic book about his attacks and murders of women—the bill permits that—but won't be allowed to make any profit from it. This bill does nothing to, for instance—and I appreciate this may not be a provincial jurisdiction. Wouldn't you like to see some sense of—and I query those who have more familiarity, for instance, with this area of law than I do—copyright or ownership of that actual series of facts by the victim? Isn't that an effective way to begin to approach this?

1730

We've seen the tortured families in Hamilton and Niagara spend millions of dollars on litigation—I'm sure it's millions by now—trying to protect the memory of their daughters by virtue even of trying to protect court transcripts and videotapes and other photographic stuff. You see, this bill doesn't, nor does its predecessor, prevent any criminal from recounting the crime; it just prevents them from profiting from it. Shouldn't we be looking at, and calling upon if need be, the federal government—I believe they're the ones who have to be responsible for this—in establishing some sense of ownership of the facts and the evidence and any material that's acquired in the victims and/or their families? That way, nobody could even publish it, whether they were profiting or not. That way, nobody could even publish it.



I think there's a point of order to my left.

**Ms Marilyn Churley (Toronto-Danforth):** Absolutely to your left. Mr Speaker, I believe there's no quorum in the House.

**The Acting Speaker (Mr Carl DeFaria):** I'll ask the clerk to check for quorum.

**Clerk at the Table (Ms Lisa Freedman):** A quorum is present, Speaker.

**The Acting Speaker:** Thank you. The member may proceed.

**Mr Kormos:** We can get back to that over the course of the following days of this discussion.

**Mr Dunlop:** Ha ha.

**Mr Kormos:** Do you like that?

It's one thing to tell perpetrators not to profit, and this bill creates a serious disincentive for that, but I think one of the other things, probably not within the jurisdiction, nowhere close to the jurisdiction of the provincial government but for the Criminal Code or appropriate federal legislation, is to exercise some control over certain types of crimes and the elements of that crime so that the property in them rests with the victims. I think it would go a long way further. It would mean even that the third party writer, author, filmmaker would have to be very cautious about what he or she did.

Let's understand: the movie that was proposed to have been made that prompted this new bill—the one that we in the New Democratic Party objected to and objected to the government's participation in in any way, shape or form—would not have been prohibited by the bill. It wouldn't have been stopped. So that's yet another concern.

I've got some real difficulty with this focus, victims' rights, and the ongoing debate here when this government's history around victims' real rights is so poor. It gets even more difficult when we recognize that in certain jurisdictions in this province—more, I'd suggest, rather than few—like Niagara, certain crimes don't even get investigated. Do you know that, Speaker? Not because police don't want to, but because they don't have the resources to.

Break-and-enters down in Niagara region don't get investigated unless they involve weaponry or the shooting of a gun or violence—then it's break-and-enter/robbery. But the break-and-enters by and large don't get investigated except the rare occasion when Niagara Regional Police Services have sufficient resources to put together a specialized team, and then they usually clean up a whole whack of them. They prepare the incident report so you can give it to your insurance company, but break-and-enters don't get investigated.

Auto thefts don't get investigated. I mean, a couple of car thieves could conspire to steal a car and do it. The car is never found and it ends up in one of those container trucks to whatever country happens to be the depository of the day, week or month, not because our police don't want to find it but because they don't have the resources, and they've had to prioritize.

It's police officers themselves—and you know them as well as I do. These are women and men who work incredibly hard, work in very dangerous and stressful jobs that take their toll on police officers' family lives and certainly on their social lives, jobs that are so conflicted, because on the one hand—and again, I appreciate this. On the one hand we tell cops to go out there and arrest criminals and stop crime, but on the other hand we tell them that this is a very precise set of rules that you have to conduct yourself by. Police officers find this to be a real contradiction, but that's necessary in a democratic society. Police officers understand that as well, but that doesn't mean it in any way diminishes the sense of contradiction.

Police officers whom I talk to are frustrated about doing an extensive investigation, a lengthy one that involves real skill and talent on their part, and then they find out that a crown attorney feels obliged to plead the charge down because the backlog in the courts is so great and the crown attorney is so understaffed and under-resourced that he or she has to plea bargain away a certain number of their cases to clear the docket because there are more and more coming in.

What is going on? We've got crimes that aren't being investigated. We've got charges that, after a whole lot of hard work by cops across this province, aren't being prosecuted. I've told you about some of them. Two of the most notorious ones have been raised in this Legislature and come up often during the course of discussions about this government's commitment, if there is one, to victims' rights.

It comes around the discussion of this government's Victims' Bill of Rights. You know what happened there. That was a couple of attorneys general ago, one Mr Harnick, and a Victims' Bill of Rights.

Rights for victims didn't happen for Linda Even down in Welland. Remember Linda Even? I've talked to you about her before. Linda Even was a woman huddling under a blanket who was attacked by her male partner and stabbed again and again until that blanket was blood-red, blood-soaked, and her body was pierced with the deep wounds of a killer's knife.

It wouldn't surprise you to know that that guy was charged with attempted murder. If that isn't attempted murder, what is? Linda Even, as a victim, was a woman whose life was that close to ending as a result of this vicious, cruel, sadistic, painful attack. Linda Even was surprised to learn that the deal had already been made to allow her attacker, the male who attempted to murder her, to cop a plea to a much reduced charge so that he walked a long time ago and she is still crippled by the wounds. She wasn't even consulted. Nobody even told her that the deal was being cut. Linda Even understood that anything can happen in court.

I've talked to so many victims in this regard. One of the things I have to caution victims about who have been advised that there is going to be a reduction, a plea, is, "Look, anything can happen in court. Trust me, anything can. Critical witnesses can fail to show up, evidence can

be lost, the judge or jury can make what seem to you to be just totally out-in-left-field decisions.” The victims I talk to say, “I know that, but I’m still prepared to take my chances. Let the judge walk the perpetrator, but after I’ve had my best kick at the can in terms of giving my evidence and making my plea to that court for the conviction of that attempt murderer.”

Linda Even didn’t get any rights under this province’s Victims’ Bill of Rights.

Karen Vanscoy: Jim Bradley and I have talked about her again and again in this Legislature, a young teenaged daughter shot dead, a bullet through the brain, again by a male partner, a young tough, a young punk. Where I come from, we call that murder. This wasn’t an accidental discharge of a firearm, not by any stretch of the imagination. Again, charges were dealt away without effective consultation and certainly without any consent on the part of Karen Vanscoy.

1740

So what did Karen Vanscoy and Linda Even do? They litigated. They went to Alan Young, a law professor at York University, Osgoode law school. I think you know him, Speaker. If you don’t know him personally, you know him by reputation. He’s got a good reputation. He’s a good law professor and he knows his stuff. Alan Young has taken on a number of cases that involve important social issues.

He took on the case of these women, and he sued the government. He said, “These women were clearly denied any right that would purport to be given under the Victims’ Bill of Rights. They were denied any right of consultation or any right of participation in the decision-making about the reduced charge that allowed these perpetrators to walk.”

The government of Ontario defended the action. Mr Harnick, the Attorney General of the day, sent his lawyers. They didn’t even bother defending the Victims’ Bill of Rights. The government’s own lawyers said, “Judge, you can’t award any damages to these women for having their rights violated under our Victims’ Bill of Rights because, you see, Judge—come close—there are no rights.” That’s what they did. The government’s own lawyers—these might have been some of the same lawyers who drafted the bill—said, “Judge, you can’t find the province of Ontario liable for violating these women’s rights, because there are no rights in the Victims’ Bill of Rights.”

Judge Day was compelled, not just because of the argument of these lawyers, but because of his analysis of the legislation, to conclude, and he wasn’t pleased—read Judge Day’s judgment and the tone of it, and you hear a judge talking and writing who would love to have acknowledged some rights these women had that were denied to them. You read that in the body of his judgment. But very regrettably he had to say that this Victims’ Bill of Rights, the one this government has been trumpeting, the one it’s been waving like a grand old flag, contains no rights at all. It ain’t worth the paper it’s written on.

New Democrats, people like Marion Boyd, had been critical of the government during the course of the debate on the Victims’ Bill of Rights, had been cautioning this government that the bill may well not provide any rights. She was dismissed, just like this government dismisses critics today. “Go away,” it says, “We don’t want to hear what you’ve got to say. You’re either for us or you’re agin us.” And if you’re “agin us,” you’re just—what was it the Premier said?—another special interest group.

The Victims’ Bill of Rights could have been cured by amendment. It still stands as a piece of law; it’s never been repealed. It could have been made effective, but the government has not brought it forward, not once, not even promised, not even committed to bringing it forward for amendment so that rights could be in store, could be in place in a piece of legislation for victims in the province of Ontario.

I’ve got a hard time understanding this government’s lack of commitment to victims’ rights. I understand the fanfare that accompanies the bill before the House today, the Prohibiting Profiting from Recounting Crimes Act. I understand it was a knee-jerk reaction to the prospect of that horrible film being made, even though it would not and could not to have prohibited the film from being made. But I also understand that it no more reflects this government’s sincerity on victims’ rights than does the Victims’ Bill of Rights, that this government’s claims about standing beside victims and standing in support of victims and standing with victims are pretty hollow, pretty shallow, when this government has to be reminded on so regular a basis that there are fewer cops per capita on the streets today than there were in 1995. Understand that? One of the issues that police officers across this province raise themselves is the longer and longer response times, and that’s a simple function of inadequate levels of policing: too few police officers out on the road at any given point in time.

You know they do their best. They will go like the wind, if the streets permit them, to get to a report of a crime, because these people are as committed as anybody could be. They are. Look, they are the best-trained cops this province has ever had. Talk to them. You know them. You’ve got more college degrees and university degrees among policing now. You’ve got police officers who study actively throughout their careers, acquiring new—mind you, if there are resources available for them to do that.

I told you that two summers ago I was with the member for Timmins-James Bay up along the native reserves, aboriginal communities along the James Bay-Hudson Bay coast, visiting native policing services, visiting young police officers, inevitably young police officers, in very remote communities accessible only by plane, who had received basic police officers’ training down here at the Aylmer police college. But even though they requested them time after time and knew that they needed the additional skills, they had never been permitted, because the money wasn’t there for them, to attend an additional single course: nothing in forensics,



nothing in arson, nothing in fraud, all those specialties that police officers across this province avail themselves of to make themselves better cops.

These native communities: one-person police stations, right? You know, snowmobiles with no tracks, boats with no motors, police stations with no lockups and communities with no justice of the peace. I'm talking to these native police officers who are, again, doing their job, trying to do it, with no tools, and what tools they do have are broken. I don't consider that a very high level of commitment to victims on the part of this government, because it's cops out there, like the police in these small native communities in Timmins-James Bay, the riding of Gilles Bisson, or up in Howard Hampton's riding, similar communities, it's these cops who would help prevent victims in the first place by effective policing, if they were given the tools.

We told this government years ago now that it was going to reduce police forces to doing bake sales to raise money, and lo and behold, if option four doesn't exist in more than a few policing jurisdictions, where effectively that's what happens. Expensive police officers are put out there fundraising during the course of what should be a working day, during the course of a day on which they would very much like to be pursuing files and investigating crimes, crimes of all nature that have taken place in their communities, and they would very much like to be out there on the streets in a visible presence, not just in daytime but in nighttime too—I don't have to explain that one to you, do I?—where their presence can be an even more effective deterrent.

This bill has to go to committee. We've got to have a chance to ask the government to ask the Attorney General to ask his parliamentary assistant—I like the parliamentary assistant and I wish that he were the Attorney General, because he has displayed a far more cogent understanding of some of the defects not only in this bill but in a number of bills now in succession that he's been required to lead or carry through debate here in the House than the Attorney General certainly has. The parliamentary assistant is an uncut jewel, and I wish that the Premier's office would take notice of that. But the parliamentary assistant can't make commitments for the government, can he? The parliamentary assistant has these bills foisted on him and has to do his best.

1750

The government gets really ticked off when the opposition rip these bills to pieces: "Oh, don't be so critical." Well, the problem is it's not difficult at all to be critical. This is child's play in the total scheme of things.

Speaker, did you read the bill that's before the House today? Be honest, Speaker. Did you read the 1994 version, Cam Jackson's private member's bill which has been in existence now for seven years? Did you read that one? It's not fair to kid people. Did you read that one? Well, you should.

**The Acting Speaker:** Please continue the debate without asking questions of the Speaker.

**Mr Kormos:** I was addressing my remarks to the Chair, and I apologize for doing that. I'll refrain from addressing my remarks to the Chair.

**Ms Churley:** But you're supposed to.

**Mr Kormos:** I am advised by a former Deputy Speaker that as a—I understand, Speaker.

Folks, have any of you read the bill that you're repealing? If you haven't, the time to read it is now, before—

**Mr Dominic Agostino (Hamilton East):** You're supposed to go through the Chair.

**Mr Kormos:** I am not going through the Chair with this one. I've been admonished once; not twice. You realize, if I get thrown out of the House at this time of day, my colleagues are going to be ticked at me. They're going to say, "There he goes again. He's on House duty. It's his bill, he's supposed to carry it, and what happens?" But this time it wouldn't have been my fault.

I'm simply putting to you, read the bill you're repealing. There is some substantially good stuff in there.

**Ms Churley:** He's set a new precedent in the House.

**Mr Kormos:** I know he's set a new precedent in the House. I know. I was being a little irritating, though. I acknowledge I was.

**Ms Churley:** And he can be, Speaker, irritating.

**Mr Kormos:** I'm sorry, Ms Churley, what was that?

**Ms Churley:** I was speaking to the Speaker.

**Mr Kormos:** Not only read the bill that you're repealing but read the bill you're replacing it with. Read the incredible general powers you're giving to the government to confiscate. If indeed there are already instances—and I have no qualms about passing a bill in anticipation of instances—why not?—rather than letting something slip through. Read the bill that's replacing it with the government's broad powers to divert money away from victims into general revenues. That's something the existing legislation specifically precludes.

**Mr Tilson:** I don't think it says that.

**Mr Kormos:** The parliamentary assistant wants to engage me in the debate. He's going to have two minutes to respond in short order and I look forward to it, because I'm telling you I think it does say it. You and I disagree. Fair enough, I still like you and I still think you would make a good Attorney General. But that's why the bill has got to go to committee, because I want to be able to put my proposition about the fact that this bill—look, folks, I'll read it again. I feel compelled to.

Here we are, section 9. What happens to the money that is seized and put into the special purpose account? At the end of the day, "such other purposes as are prescribed by the regulations." It doesn't even say, "such other victims' interest purposes as are prescribed by the regulations." The door is wide open. I say to the parliamentary assistant that if his intent is indeed not to make it go to general revenues, the bill should be in committee and there should be an amendment making that very clear.

Having said that, what do you say to the fact that it's discretionary on the part of the Minister of Finance as to whether or not it pays out any of those proceeds to the

victims of the crime? What do you say to that? Do you agree with the proposition that it should be at the Minister of Finance's discretion? I think not, Parliamentary Assistant. I think it should say "shall." Do you agree with the proposition in the bill, Parliamentary Assistant, that there is no schedule or requirement for certain amounts, or even minimum amounts, to be paid to the victims of crime? If the parliamentary assistant agrees with that proposition then he should say so. If not, the bill should go to committee, where amendments can be put.

Does the parliamentary assistant agree—my apologies. I'd like to speak through the Chair but I've been admonished for speaking through the Chair. Parliamentary Assistant, if you agree that the mere purpose of assisting victims of crime should remain undefined, then say so and put it before the committee so that amendments can be made defining what, when, where and how.

Parliamentary Assistant, if you agree that only certain crimes should be covered in the bill, as compared to all crimes which are covered in the 1994 legislation—I know I spoke to that before, and I very quickly want to restate it. In the 1994 legislation all crimes become subject to the government's power to seize the assets, the proceeds.

In the current bill it's only certain crimes; granted, the more serious ones, but it's only certain crimes. I've already explained to you that that seems to trivialize certain crimes, the ones that aren't included, and it also trivializes the victims of those crimes, doesn't it, if only certain crimes qualify?

I've tried to illustrate over and over again: talk to victims—I'm sure you have; I know you have—in your constituency office, in your professional career. Otherwise, even what is a relatively low-level crime in the scale of things in the Criminal Code can be an awful, intimidating, frightening and scarring experience for a victim. So there we are.

I want the bill to go to committee. I know the bill is going to pass, unless the government whip's group fouls up like this morning. But by and large, under the normal course of things, the bill will pass. The government may use its bully power to rush it through committee in a mere half day, one afternoon. I hope that doesn't happen. I know there are folks who have things to say about the bill. You know that as well.

The federal Senate trashed a similar bill because it had concerns about the charter implications. I think we

should hear about those first, but I'm not one of those people who's going to go running scared: "Oh, the charter; let's not pass it." I told you we agree with the proposition that there have got to be controls. I told you before and I asked you to take this up. Remember, I told you this doesn't prevent anybody from publishing anything. It simply prevents the actual criminal from profiting from it. In other words, XYZ film production company can make a million bucks portraying any number of serious crimes and further exploiting those victims, some young women whom we all know so well. A film company can make a million bucks doing it. Until there's federal legislation that puts some copyright control—it's a bizarre concept and maybe I'm way off base, but I'd be interested in hearing some analysis of it—over ownership of those stories, even in the victims, so that even a third party, a big, multimillion-dollar film company—

*Interjection.*

**Mr Kormos:** I'm very nervous about being admonished by the Speaker at this point in the afternoon—a big, multimillion-dollar film company, Parliamentary Assistant, can still make a fortune. Isn't that what we're really trying to avoid?

Shouldn't we really be thinking about including some of the very important elements of the 1994 legislation in this bill, or indeed withdrawing this bill and amending the 1994 bill so it's there? It has not been used once since it was passed but, by God, let's have it there in case it's needed. But let's make it work far better than the current legislation before this House would permit it to work.

So, Parliamentary Assistant, I thank you.

**Mr Tilson:** Not all victims can afford to sue.

**Mr Kormos:** You weren't here when I talked about that. I said that every victim in this province, especially child victims, should be suing, should be registering lawsuits, should be obtaining judgment against the perpetrators, and that the province has a responsibility to ensure that happens, either through legal clinics or legal assistance. There are not enough victims using the civil courts. They should be getting judgments across the board so that those judgments could be exercised if and when that perpetrator ever has assets.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 1:30 of the clock on Monday.

*The House adjourned at 1759.*



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Sault Ste Marie	Martin, Tony (ND)	Windsor-St Clair	Duncan, Dwight (L)
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Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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of Ontario**

Second Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 15 October 2001**

**Lundi 15 octobre 2001**



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 15 October 2001

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### COMMUNITY CARE ACCESS CENTRES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** It is simply incredible that this government has refused to address the crisis in home care across the province. In my community, as in too many other communities, the crisis is building to intolerable levels.

Last week, the Thunder Bay Regional Hospital described the backup that's starting to build in the hospital because patients can't get support at home and so can't be discharged. Where's the sense of keeping someone in a hospital bed when the hospital is already full and when home care is less expensive than hospital care? Does this government think it's OK to let waiting lists for surgery get longer and longer while they ignore the fact that cuts to home care mean more time spent in a hospital bed?

We get constant calls from the families of seniors who are faced with having to go into nursing homes because they can't manage at home without help. Why is this government forcing seniors into nursing homes when they could stay in their own homes with a little more support?

We get many calls from individuals trying to manage at home on their own: people like Mrs M, who used to have nine hours of personal care but now only gets two hours and was upset because she just can't manage to care for herself. Does this government want Mrs M to spend the rest of her days in a chronic care bed?

In my community, some of the most distressed calls we receive, though, are from parents of children with special needs who can't get the physical care they need to be able to go to school. One of these families has a 21-year-old son who has cerebral palsy. Thanks to physiotherapy, speech therapy and support from the community care access centre, he made it to the last year of high school. But this year his support has been cut and he's back on a waiting list, along with hundreds of others who used to get help before this government cut the funding.

Cuts to home care make no financial sense, but, more than that, they are simply cruel. I say to the Mike Harris government, shame on you for making the most needful people in our communities suffer so much.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 15 octobre 2001

### EVENTS IN DURHAM

**Mr John O'Toole (Durham):** I rise in the House to recognize the business communities of Orono, Newcastle and downtown Bowmanville. They again have exceeded all expectations in hosting outdoor fall festivals.

On Saturday, the annual Bowmanville Apple Festival and Craft Sale took place. Special attractions included huge tents filled with crafts on King Street. There was also a lumberjack competition, musical entertainment, there were displays by community groups, plenty of locally grown apples, fritters, apple treats and cider. Over 10,000 people attended.

I'd like to congratulate Ron Hooper, chair of the Bowmanville Business Improvement Area, along with board members Jamie Kennedy, Jim Schell, Brian Purdy, Lori Allin, Justin Barry, Edgar Lucas and Michael Sullivan. Congratulations also go Garth Gilpin, the BIA general manager, who is retiring shortly, and indeed all the BIA members and volunteers.

The Newcastle and District Chamber of Commerce Fall Festival was Saturday, September 29. This was another outstanding example of the whole community getting together for a great family event. I'd like to congratulate and commend the chamber, the executives, specifically Terry and Jean Graham, and the membership and volunteers. One of the highlights was the Newcastle Lions' walkathon for funds in support of guide dogs.

I would also like to recognize the Orona BIA and its successful chili cookoff that took place on Saturday, September 22.

I'm proud to report that the Durham riding has a 200-year history of building strong communities. The fall festivals in Clarington and Port Perry are just a few examples that community spirit is alive and well in my riding.

#### COMMUNITY CARE ACCESS CENTRES

**Mr Joseph Cordiano (York South-Weston):** It is true, and this government wants to deny it, that the province is facing a crisis when it comes to home care. CCACs are forced to cut services, and this is becoming evident in my community.

In my riding, I want to point out the case of Mr Derango. He and his wife have been looking after his elderly mother for some time. Now Mr Derango is undergoing cancer treatment himself, if you can imagine. He is



turning 70 and has to look after his elderly mother. The fact is, he can no longer do that and has applied for home care. Sadly, he has been told that there isn't enough home care available, so he has been turned away.

Then there's the case of the Oddi family. A daughter-in-law who has a heart condition is looking after her father-in-law, who has Alzheimer's. She is also a senior and is forced to look after this elderly parent.

We have a state of crisis in this province when it comes to home care. We repeatedly have told this government that this is the case. We now have real people with real problems here. Can you imagine seniors in our province having to look after their elderly parents? That's the state of affairs we in Ontario find ourselves in, and it's completely unacceptable. It's a result of this government's lack of funding for home care.

### ONTARIO PUBLIC LIBRARY WEEK

**Mr John Hastings (Etobicoke North):** As a former head of the library board in the former city of Etobicoke, it is with great pleasure that I rise today to mark the opening and beginning of Ontario Public Library Week. This year's theme, "OPL: It's not just by the book any more," focuses on the information technology services offered by today's libraries. Public libraries are offering so much more than just books. Patrons visiting any one of the excellent facilities in Etobicoke North will notice that there is so much more in today's libraries, from books on tape and CDs to videos, DVDs, CD-ROMS, e-books, and of course the Internet.

As part of Ontario Public Library Week's celebrations, libraries across Etobicoke North will be holding special programs. Some libraries will hold sessions designed to instruct patrons on how to tour the virtual reference library. As well, Web designers will hold workshops for children on introductory Web design skills. Local libraries will hold workshops for students on how to effectively utilize homework help sites. In many libraries, patrons will be asked to mark on a map the locations they send e-mail to, with the expectation that the entire globe will be covered.

Ontario's PL system has harnessed the power of information technology through the implementation of technology-based services. The local library has become an indispensable service for the benefit of all Ontario citizens.

1340

### SITE OF EARLY PARLIAMENT

**Mr George Smitherman (Toronto Centre-Rosedale):** I'm very pleased to inform Ontario parliamentarians that the first Parliament site, dating back to 1813, has been found. It exists in my riding, and over the past several months I've had opportunities to be on the site of the archaeological dig building on the work of great people like Jane Beecroft and Peggy Kurtin, who have worked so long on the matter of historical preservation.

Archaeologists were on site—Frank Dieterman and Ronald Williamson—who have produced this book, *Government on Fire*, a copy of which I'll be providing to the relevant minister.

Rollo Myers and a group called Citizens for the Old Town have championed doing an appropriate excavation of this site, and we've found important artifacts which clearly date this to the War of 1812 and to the burning at the hands of the Americans. But this site requires action on the part of the Ontario government to find the resources within to make sure the historical interpretation of this site is made possible for the long term for all the citizens of Ontario.

Currently, this archaeological treasure lies beneath a parking lot held in private hands. So we ask the government to do the right thing, which is to invoke part VI of the Ontario Heritage Act to expropriate these lands and for the very first time use these very strong powers to preserve this very important site for the future of Ontario, for all Ontarians to be able to go back and see where Ontario's first Parliament lies.

### ST MARY'S MANOR

**Mr Gilles Bisson (Timmins-James Bay):** I want to bring to the Minister of Labour's attention something that's happening in the community of Timmins that has the potential for being quite serious. We have a private nursing home called St Mary's Manor in Timmins that resides at the old Timmins and District Hospital, and in that particular residence there are some 67 seniors who make their home at St Mary's Manor.

The Canadian Union of Public Employees organized a bargaining unit some three years ago and have been trying for three years to negotiate a contract with their employer. For three years the employer has stalled and has found all kinds of excuses not to come to the bargaining table, everything from firing his lawyers to saying people are sick or the weather doesn't allow him to travel.

The thing is getting quite serious at this point. As of the last meeting that the union had with the employer, which was some two weeks ago, at the end of the meeting the employer told the union that he didn't want to go and bargain a collective agreement, didn't feel that he had any responsibility under Ontario labour relations law and that he would fire the employees of St Mary's Manor, all 19 of them, by the end of this month, putting the residents at risk of not having staff to be able to operate that residence.

I'm calling on the Minister of Labour to intervene directly to make sure the employer understands that he has a responsibility, in order to find a solution so that the residents can go to sleep tonight with confidence that they're going to continue in their home where they are now with the current staff. The employees are not being unreasonable. Paying a nurse \$10 an hour, by today's standards, is by no means an exorbitant amount of money, and we ask the minister to intervene.

## CHILD HEALTH NETWORK

**Mr Garfield Dunlop (Simcoe North):** On Tuesday, October 9, I had the honour of attending the official launch of the new electronic information exchange linking Orillia Soldiers' Memorial Hospital to the Hospital for Sick Children and other hospitals that provide children's health services.

The electronic child health network, eCHN, was developed by the Hospital for Sick Children, IBM Canada, Soldiers' Memorial Hospital, St Joseph's Health Centre, Rouge Valley Health System, St Elizabeth Health Care and 12 pediatricians associated with these particular hospitals. The eCHN promotes the sharing of resources and knowledge to reduce costs and create efficiencies. The three components of eCHN include your child's health, a Web site of health information for children and parents; PROFOR, an electronic room for health care professionals' continuing education; and HiNet, a health information system.

According to Dr Alan Hudak, an Orillia pediatrician, "Using HiNet, I can keep track of my patients being cared for both at Soldiers' and the Hospital for Sick Children. I can see their latest lab results, medical images, notes from other treating physicians and more." He goes on to say, "Parents will find HiNet more helpful for keeping their child's health information in one secure place."

I congratulate the stakeholders and Minister Clement for his ministry's \$11.5-million commitment to this very valuable program.

## CHILDREN'S SERVICES

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** The Week of the Child will be celebrated across Canada from October 16 to 23. It is a time to highlight the commitment of our society to ensure that the basic needs of children are met.

In Ontario, parents work very hard to provide their children with these necessities with the help of many people in their communities. Child care workers and teachers work tirelessly to ensure that the children entrusted to their care receive the attention and support that children need to develop to their fullest potential. People from virtually every profession—health care, police, firefighters, bus drivers, just to name a few—are dedicated to ensuring that our children receive the care and protection they deserve.

However, there is always more to be done. In Ontario the fastest-growing demographic among the homeless is families with children. Over 40% of the people who use food banks are children. There are over 2,000 children in this province waiting to be adopted. The Harris government has passed legislation that may extend the work-week for families to 60 hours.

Our children are our most precious resource. The Week of the Child is an opportunity to focus on the promise in the face of every child. It is time to thank

child care workers, teachers and those who work to keep children safe. It is also a time for all of us to commit to invest the resources that will assist those children in Ontario who so desperately need our help.

## REENA FOUNDATION

**Mrs Tina R. Molinari (Thornhill):** It is my pleasure this afternoon to speak about the Reena Foundation that is located in my beautiful riding of Thornhill.

This morning, Reena Elder Home and Battle Centre was toured by the Minister of Community and Social Services, John Baird.

Reena is a non-profit social service agency dedicated to integrating individuals who have a developmental disability into the mainstream of society. Reena was established in 1973 by parents of children with developmental disabilities as a practical alternative to institutions. Reena strives to create an environment that respects and promotes dignity, individuality, independence and freedom of choice within a framework of Jewish culture and values.

I've had the privilege and pleasure of visiting Reena on a number of occasions and meeting their wonderful workers and clients. Reena now provides services to almost a thousand people who have a developmental disability and their families. Visiting this facility and seeing how they have improved the lives of so many clients is truly a heartwarming experience.

I congratulate all the volunteers and staff at Reena for the work they do for the community of Thornhill and for all the families of Ontario.

## SPEAKER'S RULING

**The Speaker (Hon Gary Carr):** On Thursday, October 4, the member for Northumberland raised a point of order during private members' public business concerning a motion moved by the member for Windsor West. The Deputy Speaker, who was in the chair at that time, recessed the House briefly to consider the point and returned to the House and delivered a ruling in which, in the interests of fairness to the House and to the member for Windsor West, he permitted the motion in question to proceed. I concur with the position taken by the Deputy Speaker that day, and agree it was a reasonable step which permitted the House to continue under the circumstances.

The Deputy Speaker also committed that the Speaker would return to the House to clarify the standing orders concerning preambles and recitals in motions, and that is what I intend to do now.

The issue was perhaps best addressed by Speaker Stockwell in April 1999 when he wrote to all members of the House in advance of the beginning of the third session of the 36th Parliament. In his letter of April 19, and a subsequent statement to the House on April 26, Speaker Stockwell expressed concern about the growing tendency for motions to appear on the Orders and Notices



paper which contained lengthy recitals and preambles. Speaker Stockwell drew members' attention to the standing orders relevant to this issue and advised members that from then on he would be applying them diligently and would remove out-of-order notices of motion from the Orders and Notices paper.

Speaker Stockwell was correct, I believe, when he stated, "Ensuring motions are not self-contained debates that precede the main debate they purport to raise is, in my view, in the interests of all members and will make the best use of the time of the House."

Speaker Stockwell's point was that a motion should indicate some succinct, specific opinion that the House agrees to, or some specific action the House agrees should be taken. A motion should not include the arguments as to why an opinion should be adopted, or why a certain action should be taken; those arguments belong in the debate on the motion itself, when members have the opportunity to persuade their colleagues either to accept or reject the proposition. A simple, argument-free proposal before the House gives the House the best chance to clearly decide, and maximizes the chance that the proposal, being uncluttered by extraneous and possibly irrelevant argument, will find acceptance among a large number of members.

Since Deputy Speaker Brown invited these on October 4, I have received written submissions on this matter from the House leaders of all three parties and I would like to thank each of them for providing me with their advice. All three are supportive of the Speaker providing a clear statement on the admissibility of notices of motion, and are desirous of seeing this policy consistently applied. The submissions of the two opposition House leaders quote sections of the parliamentary authorities, Erskine May's Parliamentary Practice and Beauchesne's Parliamentary Rules and Forms, which confirm that preambles and recitals should not be contained in motions.

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Therefore, having carefully considered the House leaders' written submissions and Speaker Stockwell's 1999 statement, I want to reinforce his direction on this matter and indicate my intention to pursue an identical policy. I have asked the Clerk to draw to my attention any notices of motion that may appear to be in conflict with my interpretation of the standing orders and, if they are, I will direct that they be removed from the Orders and Notices paper.

In that regard, I want to indicate that I am directing that private member's notice of motion number 2, standing in the name Mr Dunlop, private member's notice of motion number 3, standing in the name of Mr Bryant, private member's notice of motion number 6, standing in the name of Mr Parsons, and private member's notice of motion number 15, standing in the name of Mr Galt, be removed from the Orders and Notices paper today.

I want to point out that this action, as contrasted with the situation involving Mrs Papatello's motion last week,

has no immediate detrimental impact on either Mr Dunlop, Mr Bryant or Mr Galt, since neither member has an imminent spot on the order of precedence for private members' public business. As a result, they can easily substitute an in-order version of their existing motions without affecting any preparations they or other members might have done in anticipation of an approaching debate, and I encourage those members to do so. In the case of Mr Parsons, his private members' public business ballot item will be considered this Thursday, but he has already designated Bill 54 as his item, so the removal of his notice of motion does not impact his ballot item.

I want to thank the member for Northumberland for raising this issue, as it has given the Speaker the opportunity to clarify and provide direction in an area that has been confusing to very many members.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker, if I may: I want to thank you, and we respect the ruling. I also want to thank you for giving the opposition caucuses an opportunity to respond rather than having the matter dealt with promptly, thereby preventing us from responding. I do want to thank as well the table clerks, who have in the past been very helpful, for their direction, I'm confident, to all of the caucuses here in screening these things and in ensuring that they comply, as they will in the future, with the order of the Speaker today.

**Mr Doug Galt (Northumberland):** On a point of order, Mr Speaker: If I may, I just rise to thank you for your ruling and thank you very much for going into the detail that you did. It's certainly very much appreciated.

MONIQUE GRENIER

**The Speaker (Hon Gary Carr):** I would also at this time like to draw to your attention the presence at the table of a guest of the Clerk's office who will be with us this week. Monique Grenier is a clerk assistant/journals clerk with the Manitoba Legislative Assembly and is visiting the Ontario Legislature this week on a professional development exchange.

Please join me in welcoming Ms Grenier to the Ontario Legislature.

## INTRODUCTION OF BILLS

### QUALITY IN THE CLASSROOM ACT, 2001

### LOI DE 2001 SUR LA QUALITÉ DANS LES SALLES DE CLASSE

Mrs Ecker moved first reading of the following bill:

Bill 110, An Act to promote quality in the classroom /  
Projet de loi 110, Loi visant à promouvoir la qualité dans  
les salles de classe.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement.

**Hon Janet Ecker (Minister of Education, Government House Leader):** At ministers' statements, Speaker.

## MOTIONS

**Hon Janet Ecker (Minister of Education, Government House Leader):** Mr Speaker, I have a fairly lengthy motion. There has been extensive discussion between the House leaders of all three parties, and I believe we have the agreement of all parties to move motions relating to committee business—that's general government—to have the question put without further debate or amendment on the motion relating to the mandate of the Legislative Assembly committee, and to appoint a presiding officer.

**The Speaker (Hon Gary Carr):** Are you asking for unanimous consent?

**Hon Mrs Ecker:** Yes, Mr Speaker.

**The Speaker:** Agreed? Agreed.

## COMMITTEE SITTINGS

**Hon Janet Ecker (Minister of Education, Government House Leader):** I move that the standing committee on general government be authorized to meet on the evening of November 5, 2001, at Queen's Park to consider Bill 77, An Act to amend the Vital Statistics Act and the Child and Family Services Act in respect of Adoption Disclosure.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

## STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

**Hon Janet Ecker (Minister of Education, Government House Leader):** I move that the standing committee on the Legislative Assembly be authorized to inquire into and, within 12 months of this referral, report on parliamentary reforms that will improve democracy and enhance accountability;

That this review take place in two phases:

(i) reforms that would expand the use of technology in the House and its committees; and

(ii) reforms that would enhance the role of private members;

That, in addition to its regular schedule, the committee shall have the authority to meet concurrently with the House and during any adjournments of the House;

That the committee be encouraged to employ a staff person or persons, reporting to the committee through the Chair, to be dedicated to the review;

That the committee shall have the power to hear witnesses, commission reports relevant to the terms of reference, employ staff and adjourn from place to place in North America and abroad as the committee may deem advisable, subject to normal budget approval;

That, if upon completion of the report or reports, the House is not sitting, the committee shall have authority to release any reports by depositing a copy of them with the Clerk of the Assembly, and, upon resumption of the sittings of the House, the Chair of the committee shall present such reports to the House in accordance with the standing orders.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

## APPOINTMENT OF HOUSE OFFICERS

**Hon Janet Ecker (Minister of Education, Government House Leader):** I move that, notwithstanding the order of the House dated October 26, 2000, David Christopherson, member for the electoral district of Hamilton West, be appointed First Deputy Chair of committee of the whole House, effective immediately; and

That for the period from October 29, 2001, to October 27, 2002, Bert Johnson, member for the electoral district of Perth-Middlesex, be appointed Deputy Speaker and Chair of the committee of the whole House; and

Mike Brown, member for the electoral district of Algoma-Manitoulin, be appointed Second Deputy Chair of the committee of the whole House; and

That, effective October 28, 2002, David Christopherson, member for the electoral district of Hamilton West, be appointed Deputy Speaker and Chair of the committee of the whole House; and

Bert Johnson, member for the electoral district of Perth-Middlesex, be appointed Second Deputy Chair of the committee of the whole House.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

## HOUSE SITTINGS

**Hon Janet Ecker (Minister of Education, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, October 15, Tuesday, October 16, and Wednesday, October 17, 2001, for the purpose of considering government business.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1400 to 1405.*

**The Speaker:** Would members kindly take their seats, please. All three whips have arrived.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

### Ayes

Agostino, Dominic  
Arnott, Ted  
Baird, John R.

Galt, Doug  
Gerretsen, John  
Gill, Raminder

Mushinski, Marilyn  
Newman, Dan  
O'Toole, John



Bartolucci, Rick  
 Beaubien, Marcel  
 Bountrogianni, Marie  
 Bradley, James J.  
 Brown, Michael A.  
 Bryant, Michael  
 Caplan, David  
 Clark, Brad  
 Coburn, Brian  
 Colle, Mike  
 Cordiano, Joseph  
 DeFaria, Carl  
 Di Cocco, Caroline  
 Dombrowsky, Leona  
 Dunlop, Garfield  
 Ecker, Janet  
 Elliott, Brenda  
 Flaherty, Jim

Hastings, John  
 Hodgson, Chris  
 Hoy, Pat  
 Jackson, Cameron  
 Johns, Helen  
 Kells, Morley  
 Kennedy, Gerard  
 Klees, Frank  
 Kwinter, Monte  
 Levac, David  
 Marland, Margaret  
 Maves, Bart  
 Mazzilli, Frank  
 McLeod, Lyn  
 McMeekin, Ted  
 Miller, Norm  
 Munro, Julia  
 Murdoch, Bill

Parsons, Emie  
 Phillips, Gerry  
 Ramsay, David  
 Ruprecht, Tony  
 Sampson, Rob  
 Sergio, Mario  
 Snobelen, John  
 Sterling, Norman W.  
 Stewart, R. Gary  
 Tilson, David  
 Tsubouchi, David H.  
 Turnbull, David  
 Wettlaufer, Wayne  
 Wilson, Jim  
 Witmer, Elizabeth  
 Wood, Bob  
 Young, David

## STATEMENTS BY THE MINISTRY AND RESPONSES

### EDUCATION REFORM

**Hon Janet Ecker (Minister of Education, Government House Leader):** Our government has continued to deliver on its plan to improve student learning and achievement in the province. We're moving forward with initiatives that ensure our students get the skills and knowledge they need to succeed. This afternoon, I introduced legislation that, if passed, would be another step in that plan: to further promote teaching excellence in Ontario's schools.

The legislation, An Act to promote quality in the classroom, would put in place two more components of our comprehensive Ontario teacher testing program. I first announced the framework for this in May 2000, and we've been working with our stakeholders to put this plan in place.

First, let me say that we all recognize the important role that a teacher can, should and does play in the lives of their students. We have many committed, excellent teachers who, on a daily basis, make a positive difference for our students. And it is important that we have ongoing professional development and training to ensure that all of our teachers consistently remain up to date and provide the best teaching possible to our young people.

Much of the work we've done to implement our teacher testing program has focused on teachers' knowledge of the curriculum or teaching strategies. But, as we all know, having knowledge doesn't mean you can impart it to students in the classroom. Of equal importance is how teachers are able to actually do that on behalf of their students.

That is why An Act to promote quality in the classroom will, if passed, provide for fair and consistent standards for teacher performance appraisals in every school. The proposed act will also set out the requirements for a qualifying test for new teachers before they can obtain their certification. I think it's important to stress that both the provisions of this legislation, the qualifying test and the performance appraisal standards, respond to specific recommendations we have received from our education partners.

As members will recall, this spring we passed legislation to establish a professional learning system for our teachers. Teachers will be completing 14 approved professional development courses during a five-year period to maintain their teaching certification. Again, it is important to recognize that the recommendation for recertification on a five-year basis originated with the Royal Commission on Learning, which all three parties supported. The new performance appraisal system will ensure that the knowledge our teachers obtain is being successfully used in our classrooms.

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

### Nays

Bisson, Gilles  
 Kormos, Peter

Marchese, Rosario  
 Martel, Shelley

Prue, Michael

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 62; the nays are 5.

**The Speaker:** I declare the motion carried.

### MINISTERS' STATEMENTS

**Mr Rick Bartolucci (Sudbury):** On a point of order, Mr Speaker: There has been a tradition in this House that when a minister makes a statement, the statement is given to members of the opposition at approximately 1:30. Today the Minister of Education tabled her statement with the House leaders of both opposition parties at approximately 2 o'clock in contrast to the Minister of Citizenship, Culture and Recreation, who had tabled his statement at 1:30. Is this a new direction for the Minister of Education, and if so, would she inform the House?

**Hon Janet Ecker (Minister of Education, Government House Leader):** Just to add to that, as I have explained to the opposition before, the convention is that we deliver statements concerning introduction of bills when the bill has actually been introduced. That's indeed my understanding of what staff did today. If there's any further direction the Speaker wishes to give the government, we're quite prepared to abide by that.

**The Speaker (Hon Gary Carr):** As I have told the House, and I will tell them again, and I will keep a yellow sticker on page 30, "Two copies of each ministerial statement shall be delivered to the leaders of recognized opposition parties, or their representatives"—and the part is—"at or before the time the statement is made in the House." I think all members would like to get it as soon as possible, but the standing orders are very clear, "at or before the time the statement is made in the House." I thank the member for his point of order.

1410

Many school boards in the province currently conduct various forms of teacher performance appraisals, but organizations such as the Council of Ontario Directors of Education, our principal groups, have pointed out that the nature and frequency of these evaluations, the rules around them and the implementation of them vary greatly across the province. This new proposal contained in the legislation would make those rules very clear and fair. It would put in place a province-wide performance appraisal system for our teachers. Again, I think it's important to stress that this legislation is built on the principle that good performance appraisal is supportive of teachers and supportive of excellent teaching.

School principals and vice-principals under these proposals would evaluate the classroom performance of current teachers, teachers who have been in the system for some time, every three years. New teachers would be evaluated—new to the profession; new employees to a school board—twice a year during their first two years.

The purpose of the assessment will be to provide teachers with opportunities to improve their teaching skills, if necessary. And school boards will be expected, as many are already doing, to provide support measures for those teachers who need to improve their classroom performance.

If a teacher is not able to improve after continued opportunities, the legislation proposes a very clear and very fair procedure to remove that teacher from the classroom.

The legislation also initiates another very important improvement. It proposes that parents and senior students will have an opportunity to provide input into the evaluation of a teacher. Again, it has been recommended to this government by education partners that this should be put in place.

**Mr James J. Bradley (St Catharines):** That's just terrible.

**Hon Mrs Ecker:** I love the way the opposition likes to dump on our education partners when they make recommendations that the government agrees with.

While the feedback of parents and senior students on its own cannot result in the dismissal of a teacher, providing a role for parents and senior students in this process emphasizes the importance of effective communications between parents, students and teachers.

The legislation, if passed, would also mark the introduction of the new qualifying test to ensure that those who want to teach in Ontario have the necessary skills and knowledge required before they become certified. The qualifying test will be phased in, starting this spring. Candidates will have to successfully pass this qualifying test to obtain their teaching certificate from the Ontario College of Teachers. Those who fail will have the opportunity to rewrite the test, of course, at a later time and as many times as required in order to pass it.

I'd like to also point out that it was recommended to have this kind of certification test. It's very similar to what many other professions—lawyers and others—have

as an entrance to the profession test and it responds to recommendations from the Ontario College of Teachers.

Improved student learning, the goal of our education plan, requires excellent teaching. Ontario has a teaching profession that can and does make a difference in the lives of students. In today's ever-changing world we must ensure that the quality of teaching continues to meet the challenge for our students. This legislation is another step to do that, and I encourage all members to support its passage.

In closing, I would like to thank the staff of the ministry and the representatives of our education partners—teachers, school boards, principals and parents—for their advice and input into developing this bill.

#### CITIZENSHIP WEEK

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** I'm pleased to rise and discuss Ontario Citizenship Week.

As Minister of Citizenship, I'd like to begin my comments by asking the House to recognize this year's recipients of the annual Ontario Medal for Good Citizenship. There are 14 citizens this year who received their distinguished awards last June. I am pleased to say that some of them have joined us in the House today to celebrate Citizenship Week. I would ask them to stand as I recognize their outstanding contribution to the social fabric and well-being of our province.

I'd like to recognize Lynda Arthey of Brampton, Jane Beecroft of Toronto, Penny Dainard of Orangeville, Dr Yuqiu Guo of Ottawa, Barbara MacArthur of Walkerton, Ken and Patricia Wilson of Wainfleet, Dr Joseph Wong of Toronto, and Andre Mak of Mississauga. Each and every one of these honourees has demonstrated the true spirit of citizenship in their respective communities. They are role models for good citizenship to all of us.

It is a privilege to be a citizen in the province of Ontario. We are envied around the world for that distinction. Such is this province of ours that people from all over the globe dream about living here and achieving citizenship. Each year, for 100,000 immigrants the dreams come true as we welcome them to our province.

This evening, to launch Citizenship Week, I will be participating in a Citizenship Court at the Burlington Central Library. We will be swearing in 50 new Canadians this evening, and they come from the following countries: Scotland, India, Ethiopia, Lebanon, Egypt, Northern Ireland, Iran, Israel, China, Ukraine, Russia, Belarus, Philippines, England, Jamaica, Ghana, Germany, South Korea, Colombia, Saudi Arabia and Bahrain.

Newcomers, past and present, have made immense contributions to our province culturally, socially and economically. In turn, this government supports a number of settlement programs to help newcomers adjust and become full citizens as soon as possible so that they can take every advantage of what this province has to offer.



The cultural harmony that we enjoy in Ontario as a result of immigration is something we can all be justly proud of. Within that harmony is a province in which its citizens are quick to help each other out through such programs as Good Neighbours, which has helped thousands of people live safely in their communities.

Volunteerism is also a long-standing tradition in Ontario. Our celebration of the International Year of Volunteers is still going strong in our province. When terror struck in the United States on September 11, thousands of Ontarians came forward to offer practical help to stricken neighbours and close friends to the south. Across the province, our citizens were all too willing to offer up whatever they could to help the United States lift itself up from the shadows.

As a government, we take a leadership role in providing for those who may be vulnerable because of age, illness and disability so that everyone can achieve full citizenship, but we cannot do it alone. That's why, when we see so many of our citizens willingly offer to help others in need, we know we are on the right track and that we are at the helm of a province that is home to some of the most caring people on earth.

People coming to our province contribute significantly to all of our communities. They obey our laws, recognize individual freedoms and share the Canadian values of tolerance and understanding.

Today marks the start of Citizenship Week. What better time is there for us to remind ourselves to celebrate our good fortune? What could be a more appropriate time for us to reaffirm our values and our belief in the rights of every individual to live with dignity and respect, whatever their background, whatever their colour and whatever their faith?

It is a week that provides us all with the golden opportunity to reflect on what it means to be a good citizen in Ontario, the best place to work, to live and to raise a family, all of us together working hard, contributing to our economy and participating in Ontario's prosperity.

This week is also a perfect time to reflect on what has happened in the past few turbulent weeks, when all of our outlooks on life have been radically altered by the type of evil that has come to us and is so incomprehensible. We are all having to come to terms with extra security precautions and more vigilance at our airports and border crossings. Yet, as we look over our shoulders more, we have to strive to maintain and enhance the Canadian values of co-operation, to treat everyone with respect so that we can all live in peace, with dignity and in harmony. In Ontario, this Citizenship Week is a fitting time for all of us to vigorously pursue the cherished qualities of what being a citizen of this nation and province is all about: tolerance, caring and understanding.

1420

## EDUCATION REFORM

**Mr Gerard Kennedy (Parkdale-High Park):** We stand here in the province of Ontario, where there aren't enough textbooks for 66% of our students, where there is a loss of aides for special education children in every single school board, where transportation has become an issue since the children walk dangerous routes to school every day; where schools are closed prematurely and sometimes unnecessarily and where classrooms are so crowded that young children and older alike have difficulty learning.

And what do we have in front of us from the Minister of Education in the face of all these pressing problems but an administrative item that this government has turned into a political hand grenade. Rather than taking an issue like the evaluation of teachers, the actual approach that should be taking place at the school and with the school board, and making it into something that all of us can agree to find a partnership with teachers on, they have turned it into political football.

Today, with the final introduction of legislation, culminates 17 different announcements by this government on so-called teacher testing. For 17 times this government has tried to exploit the atmosphere of conflict and turmoil that it has created. Instead of actually addressing the issues that would help students learn, that would help ensure that we have the very best teachers in our schools, the government brings us today something that really properly should be in the hands of school boards and individual teachers.

We see in the legislation today the ideological struggle of this government, the inability of the government to provide equally for all kids because we see a government standing in its place and saying, "We need a centralized standard. We need to control what happens to all the school kids," but only those kids in publicly funded schools. The legislation today that purports to increase the quality of teaching, that purports to do something for children, only applies to publicly funded schools. This government doesn't have the courage, the consistency or the absolute responsibility to ensure that these standards apply to all those who teach in this province.

We see also that this government has done this without regard for the unintended effects. So many of the things that at one time, under different conditions, people could have found ways to agree on, could have found ways to build partnerships to improve schools, this government has always found the more difficult route in the sense of providing for more conflict. This will put a burden on principals and vice-principals who have to do the evaluation they think is necessary and then do Mike Harris's evaluation—the standard evaluation, the one they are forcing right now, for example, on special education children all around the province and wasting funds on.

We're losing half of our principals over the next five years because they find that the things this government does make no sense for the well-being of teachers. They find that they're not interested in the well-being of children. We are committed on this side of the House to finding ways to ensure that we can have confidence. Last year, we lost 5,000 teachers in this province for reasons other than retirement. We don't give a blank cheque to this government to do anything when it comes to education that will create further harm.

### CITIZENSHIP WEEK

**Mr Tony Ruprecht (Davenport):** On behalf of Dalton McGuinty, on behalf of the Liberal caucus, I'd like to extend congratulations to the medal recipients here with us today. You have given us much to emulate and we are proud of you.

But that is as far as we go to see eye to eye with this government, because as soon as this government came into office in 1995, they started to decimate the programs of multiculturalism. What happened, Mr Minister, to the idea of the advisory council on multiculturalism? You have done away with it. You have decimated it. It's gone. It gave us advice on how to live with each other.

How about the ethnic relations committee and, especially, the race relations committee? What did you do with that one? Where are those programs? Gone.

It doesn't matter what happens here today as the minister stands up and says he wants to congratulate us in terms of Citizenship Week. What we need today is a foundation of our programs back. We need the foundation. Where is it? What about the whole idea of the Ontario Welcome Houses? What happened to those programs? They were established to give advice, to open up the doors for immigrants to get jobs—gone. What about access to trades and professions? I want you to know what happened to that. We had to drag them into the 20th century. Access to trades and professions is not gone but it is going at a snail's pace.

In short, as we celebrate national Citizenship Week, we know that we need the programs. We ask this minister to stand up, not only in caucus but in cabinet, and say to the Premier, "Give us back the programs and let's see the money. Show us the money and show us the programs." That's the important part, and we ask him to do it.

**Mr Rosario Marchese (Trinity-Spadina):** I want to say, on behalf of New Democrats in response to the Minister of Citizenship, that we honour those recipients of the medal for good citizenship. They do tremendous work. In fact, some of them are replacing the work of governments. This government is relying more and more on citizens to do the work that they have abandoned. That's why they love to honour the citizens of this province and volunteerism. They know that this non-government government is not here to fix the problems and needs to rely on the volunteers to do that job for them. I say to you, good citizens, that citizens ought not

to replace the role of government as they do their volunteer work, and that's what's happening in this province.

The Minister of Citizenship is going into his riding, I'm assuming, to swear in 50 new Canadians in our community who come from many different countries. I want to contextualize the problem for him, and he knows it well. He and his government have eliminated the Anti-Racism Secretariat, not the race relations department but the Anti-Racism Secretariat, that was designed to be pro-actively working against racism. They got rid of that program. Now more than ever we need it, but this government says, "No, we don't need it."

We had cuts to the ESL program from that ministry, \$600,000, to help the very new immigrants whom this minister says he's going to swear in tonight. He and his buddies have eliminated the welcome houses, all of them. Those houses were designed to receive new immigrants and help them with their transition. They're gone. Then, of course, the ultimate is the elimination of the employment equity we had introduced, which was designed to bring fairness to people with disabilities, people of colour and aboriginal people. It was designed to bring fairness, finally, to those groups in our society that weren't getting the fairness they were looking for, and, at the end, he's got the gall to say that this is a society that deals with tolerance—and we're happy about that—respect and understanding. We agree with him, except that these were the programs we had in place that were designed to bring about greater tolerance and respect for one another in this province.

That's why it's so hard to be able to speak more positively, other than to honour the recipients and to thank them for the good deeds and the good work they are doing, on behalf of and in place of this government.

### EDUCATION REFORM

**Mr Rosario Marchese (Trinity-Spadina):** With respect to the Minister of Education, boards of education are already doing performance reviews. Everyone is doing it across the board—nothing new. I suspect that teachers will welcome it because they are already getting it, but the government presents it as if it were something very new to the teachers, and it isn't. I say that's fine, bring it in, Minister. Teachers will accept it and work with it, again, in spite of your assaults and in spite of making it appear that teachers are not doing a good job and that you need to fix them.

Teachers will do their job, as they have always done. With you and in spite of you they will be there to continue their good work, while you create a two-tier system—one private and one public, one that's presumably good for the public system but not for the private—which is what you are doing today, like every other issue connected to this. You are expecting public school teachers to be tested, to be appraised, but in the private school system those who are not certified don't have to be tested. They don't have to be appraised. They don't have to be obliged to report to the sexual abuse bill



that we were dealing with just a couple of days ago and continue to deal with. Those non-certified teachers who teach are not subject to that law, will not be subject to this bill the way regular teachers in our public system are. You are creating two standards. If it's good enough for the public system, I say to you, Minister, it ought to be good enough for the private school. Put in place the same mechanisms and measures for private schools as for the public school system.

We have so many needs in our public system, so many that the minister needs to deal with. Our schools are crumbling. Students need textbooks. They're sharing old textbooks, and some don't have any. Teachers are leaving, and we're firing educational assistants at the Toronto board by the thousands.

We desperately need help. As this minister talks about all the great work that she's doing, we need to take the responsibility for what's happening and, above all else, invest in our public system to make it more effective.

1430

## ORAL QUESTIONS

### HEALTH CARE FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Minister of Health. Public health units are responsible for keeping Ontarians healthy and safe. They make sure our drinking water is safe. You will know that in Walkerton it was a representative of the public health unit who rang the bells there.

Our public health units also have a special responsibility when it comes to protecting us against infectious diseases. With the threat of bioterrorism weighing heavily on the minds of Ontarians and Canadians—North Americans, for that matter—these days, I expect you would see their job to be even more important today over at the public health offices.

Minister, we have obtained documents from a September 18 meeting between your ministry and the public health branch. In the documents you indicate that you are considering making further cuts when it comes to the work that is being done by our public health units. Understanding what public health units have done and could still do for us in the given frightening context that we live in, how can you possibly justify making more cuts to our public health units?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I'm not sure what the honourable member is referring to. I can state to this House that health spending for our public health units has increased by 14%. It was up to a record \$362 million last year alone. We have also included direct funding for such things as Healthy Babies, Healthy Children and speech and education and development and public health research. Those kinds of funds have increased from \$5.6 million, before we were elected, to \$54.6 million last year. These are the

kinds of things that we fund 100% of as a province, and that's our commitment to public health in this province.

**Mr McGuinty:** Minister, if you're not familiar with the document, I'll refresh your memory. On page 11, it talks about cost reduction strategies for our public health offices. Some of the things you are actively considering include: "Dropping one or more mandatory programs; reduce the scope of one or more mandatory programs; make some expenditures ineligible for provincial funding."

I don't know why you're frowning, Minister. It's your document, prepared by your ministry staff. You understand how important—

**Hon Mr Clement:** I don't know what you're talking about.

**Mr McGuinty:** Are you telling me that you're not aware that people in your ministry have proposed cuts to the public health office, Minister? Is that what you are telling me? You should understand how important the work is that this public health office does for the people of Ontario.

I ask you again: given the work they do, given the context we find ourselves in at present, how could you possibly contemplate further cuts to our public health offices?

**Hon Mr Clement:** I don't know. This opposition leader excels at fearmongering and scaring and over-theatrics without a scintilla of evidence on his side. If you've got something to show me, you show it to me, because I don't even know what you're talking about, and you're scaring people. He is scaring people rather than engaging in legitimate political debate. It should stop right here and right now.

**Mr McGuinty:** I'll refresh the minister's memory. This is the same document that was presented to you at the estimates committee by my colleague, my critic for health. You have seen this before. You have spoken to this issue before.

I'll refer again to a document here prepared by the Ministry of Health and Long-Term Care that's dated September 18. It says on page 11, "Potential cost reduction strategies," and it includes dropping one or more mandatory programs. It says, "reduce the scope of one or more mandatory programs; make some expenditures ineligible for provincial funding." This is your document prepared by your people in your ministry.

Apparently you've got \$2 billion more for corporate tax cuts, you have hundreds of millions of dollars for partisan government advertising, but you find it necessary to make cuts to our public health offices. I ask you again, how can you justify that?

**Hon Mr Clement:** The honourable member talks about my policy or our policy as a government. I don't know what he's talking about. I don't know what he's relating to. He is dreaming in Technicolor.

If the honourable member wants to be helpful when it comes to the public health care debate, perhaps he can join the debate. He can do better than what his government did when it was in power, which was to reduce the

number of hospital beds by 10,000 while paying for the heat, light and administration in hospitals. That was their idea of some sort of health care policy.

We were elected to clean up the mess. We are cleaning up the mess, but our commitment to public health and our commitment to the health of the citizens of Ontario is second to none. The honourable member can scare-monger all he wants, but the truth will out. If he wants to be helpful, try acting like a leader rather than acting like a cheap showman.

### NUCLEAR SAFETY

**Mr Dalton McGuinty (Leader of the Opposition):** The question is to the Minister of Energy, Science and Technology. Today we learned about a report on the Bruce nuclear station that had been prepared by the World Association of Nuclear Operators, a report that was prepared back in 1998 but which only came to public light today. This report reveals for the first time that nuclear power plant operators disconnected warning alarms they found too noisy. It reveals that operators sometimes ignored instrument panels and sat with their backs to them, and it reveals that maintenance work was incompetently undertaken in a number of instances.

This is very alarming information, Minister. Why have you hidden this information, together with Ontario Power Generation? Why have you two conspired to hide this information from Ontarians since 1998?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** With respect to the WANO report, Ontario is being treated the same way by that international organization as every other jurisdiction that runs nuclear generating facilities, and that is, WANO does not make its reports public. In light of the circumstances of September 11, it is even more clear why those reports are not made public.

**Mr McGuinty:** I'm not talking at present about what might happen on the outside. I'm talking about what is happening on the inside of our nuclear reactors.

Here's something else that the report reveals. It says that there was confusion over three unplanned reactor shutdowns and that "Operators had a hard time figuring out why the shutdowns happened because the designs showed wiring layouts from the wrong nuclear stations."

This is very alarming information. I'm making the assumption—and you should correct me if I'm wrong—that you've had this information in your hands since 1998 and that you have not disclosed this information to the Ontario public, notwithstanding the urging of our privacy commissioner that you do so. I'm asking you again, why have you kept this information secret and why have you not acted on it?

**Hon Mr Wilson:** The world organization requires that you not make the information public, so that employees will feel free to come forward, and not fear for their jobs, to point out safety issues. I will note that the federal authority with the final say in these matters is the Canadian Nuclear Safety Commission. I can only say to the hon-

ourable member that that's a 1998 report, and Ontario Power Generation and the world nuclear association were working on improving their performance under that report, and British Power.

I can only say that the federal government would not have given Bruce Power a licence to operate, which it just did a few months ago, if it had any concerns about safety or any issues outstanding from that 1998 report.

Again, this is an area where the less said at this time, the better.

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**Mr McGuinty:** How convenient, Minister. I guess you must have had this in mind when you exempted Ontario Power Generation from freedom-of-information requests some two years ago. I guess you had anticipated the 11th of September and understood how important it was to prevent anybody from gaining access to any of this information.

This is what Ontario's Information and Privacy Commissioner ruled in connection with this particular case. The only reason this came out today was because this freedom-of-information request was eventually successful. But the information commissioner said that there was a compelling interest for the public to have nuclear safety information. The issue here is nuclear safety information, all about how we are doing at managing safety at our nuclear reactors, not about some outside force and what that might do to our nuclear reactors.

I ask you again, Minister, why is it that you have kept very important information that has everything to do with what is going on there and ensuring that you are taking the necessary steps, that you are being accountable for what is going on there, secret from Ontarians?

**Hon Mr Wilson:** Again, at the time we were complying with the world nuclear association. All jurisdictions are treated the same and required to follow the same rules.

I can tell the honourable member, though, that those issues have been worked on, that the reason the report was now made public through access to information in this case was that those issues have been dealt with. In 1998 those issues needed to be dealt with. They've been dealt with. Bruce has been given a licence by the federal regulator, by the federal government and its regulator, and we're very satisfied with the measures that have been taken to correct any problems of the past. The report is now public.

I would ask the honourable member, though, to not do any scaremongering in this area. We take this business of security very seriously. Issues are brought to the attention of the companies. They need to deal with those issues in confidence with their regulators, with the federal government and with police agencies. Then, when appropriate, the information is made public; otherwise, terrorists might get a leg up.



## CHILDREN'S AID SOCIETIES

**Ms Marilyn Churley (Toronto-Danforth):** My question is for the Deputy Premier. We just received a shocking internal memo from the Children's Aid Society of Toronto that shows you plan to make serious cuts to child welfare agencies across Ontario effective immediately. The memo shows that you are using the threat of a recession and the tragic events of September 11 as an excuse to cut funding to child welfare agencies.

At a time when children's aid workers can't even begin to tackle all of their existing casework, how could you possibly restrict their funding even further?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** The Minister of Community and Social Services will answer the question.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** We've made child welfare and child protection a tremendous priority over the past six years. We've increased spending by more than 118%, which I think underlines the priority this caucus, this government and my predecessor, Janet Ecker, have placed on this issue. At no time have we ever contemplated reducing funding on an annual basis with respect to children's aid societies. At no time have we considered reducing funding to children's aid societies on an annual basis. I want to be tremendously clear.

I can say to the member opposite, I have never seen any options with respect to reducing expenditures for children's aid. What we have seen is a tremendous increase in the number of children who are being taken into care and taken into custody, which I think is a productive and positive aspect.

**Ms Churley:** Let's stop playing games with this. I'm sending the memo across to you. It says that you are making cuts and the increases you're talking about are part of a funding formula for new cases. We all know it's still not enough.

This is what the memo states: "We were informed that recessionary trends in the province have worsened and further exacerbated by the events of September 11. As a result, we were informed that all government spending is being affected, and funding for child welfare agencies across Ontario will be seriously restricted."

Front-line child welfare workers are already worried about liability under the extreme heavy caseloads they currently carry, especially after the death of baby Jordan Heikamp. Haven't you learned anything from that death? Guarantee me, right now, that you will not cut a dime, not a dime, from child welfare programs that are already stretched beyond their capabilities. Guarantee the House that today, Minister.

**Hon Mr Baird:** The member opposite in her first question said that changes and cuts have been recommended to take place immediately. That is simply not the case. As Minister of Community and Social Services, I have not seen any proposal cross my desk with respect to

reducing expenditures for our children's aid societies. I think it is incredibly important that we recognize the huge policy priority that this government has given child welfare and child protection: 118% is an incredible priority. I can't name a single other area anywhere in the public sector which has seen a 118% increase.

I can tell the honourable member at this time that our biggest challenge with respect to children's aid society funding is to see the levels of increase be not upward of what they were last year, of \$123 million. Last year we saw a significant increase in children's aid society spending. This year we saw another increase, and I don't see any plan whatsoever to reduce funding from that level.

**Ms Churley:** Minister, the cat is out of the bag. It says here right in this memo that came out of your ministry. The memo indicates that all government spending will be affected by cuts—all government spending.

So I say to the Deputy Premier today, it is astounding that you'd be so quick to cut such a vital program as child welfare. But it's even more astounding that you want to make across-the-board government spending cuts after years of gutting vital programs.

Walkerton should serve as the ultimate example of why it's wrong—wrong, Minister—to value corporate tax cuts over government funding to protect our health and our lives. I want to know, right now—right now in this House today—what other ministries have you told to slash spending? I want you to guarantee that no vital services that save lives will be cut to accommodate your reckless corporate tax cuts.

**Hon Mr Baird:** The member opposite spoke about a memo from my ministry. The memo she sent me over is not a memo from my ministry. It is not a memo from the Ministry of Community and Social Services. It is not a memo from the government of Ontario. She's wrong.

## RENT REVIEW

**Mr Michael Prue (Beaches-East York):** My question is to Minister Hodgson. Minister, the courts on Friday ruled in a case of landlord who was double-dipping his tenants. The Ontario Superior Court of Justice says your tribunal allowed the landlord to both charge tenants the cost of washing machines and then to make a profit by charging those same tenants to use those washing machines.

The courts have said this is double-dipping; the courts have said it's illegal. Why is your tribunal rubber-stamping landlord rent increases and double-dipping?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** The details that the member talks about were outlined in an article in the paper on the weekend. There was a court decision. I think the system's working the way it should.

He has pointed out that the tribunal, he feels, erred in how they calculated what was eligible for rent increase, and he sent it back to the tribunal. It was referenced in the paper that they think they might even settle before going back to the tribunal. But I want to assure the

member that the tribunal hears most cases within 20 days, and decisions are issued within 72 hours. Their performance is good. They're handling a lot of cases that used to go to court. Under your government's policy, all these cases went to court.

**Mr Prue:** Minister, this tribunal and the Tenant Protection Act has been unfair to tenants since it was enacted. When you get over half of all the evictions happening without a tenant ever being heard, when you have above-guideline increases, when you have people actually becoming homeless as a result of this particular legislation, your tribunal needs to be overhauled from the top to the bottom.

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But today I ask you just one small thing: will you issue instructions to the tribunal members and change regulations to end double-dipping and to put an end to the drawn-out and expensive remedy that tenants are having to use to go through the courts?

**Hon Mr Hodgson:** I don't understand the question. Under your party's policies, every one of these decisions went to court. It tied up the courts, clogged up the courts, and it took years getting decisions. So if you're asking to go back to that system, the answer is no.

If you're talking about the rent increase guidelines, the guidelines under our party are lower than when the NDP or the Liberals were in power. I wouldn't want to go back to that. You've got a strange look on your face so I'll quote you the numbers. In 1990, it was 4.6%; 1991, 5.4%; 1992, 6%. That's what you allowed as annual increases. I don't want to go back to that system where appeals to this process go directly to the court. I think the rent tribunal is doing a great job and it's quickly done.

## TAXATION

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Finance. Minister, Ontario's working families are already being hit hard by this economic slowdown. On Friday we learned things are going to get worse before they get better. The Conference Board of Canada reported that Ontario will be the only province in Canada headed for a recession and a report by TD Canada Trust found that your fiscal plan will result in a string of deficits.

Notwithstanding these gloomy predictions, Minister, you remain committed to your \$2.2-billion corporate tax cut. It seems to me it's becoming very clear that this cut in corporate taxes is going to leave you with one of two options: you are either going to run deficits or you are going to make serious and further dramatic cuts to health care, education and the environment. I simply want to know, on behalf of our working families today, which option will you elect to choose? Are you going to run deficits or are you going to make further cuts to health care, education and the protection of our environment?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** The leader of the third party is in favour of tax cuts; the federal Minister of Finance is in favour of tax

cuts; the ministers of finance across Canada, from the provinces and territories, with whom I met last week in conference together, for the most part are all in favour of tax cuts. Dalton McGuinty, the leader of the Liberal opposition in Ontario, is the only person I know lately who is talking about increasing taxes, who is talking against tax cuts.

If you want to do something for the people of Ontario, as we are in a time of economic slowdown, then you do want to stimulate the economy. You do want to accelerate tax cuts, because they create more investment, because they give people more money in their own pockets. I thought you would understand that by now.

**Mr McGuinty:** Maybe I'll turn the minister's attention to what Canada Trust had to say about your recent economic stimulus package: "The government's recently announced plan to bring forward personal and corporate tax relief from January 1, 2002 to October 1, 2001 is unlikely to have a major impact on fiscal results." In other words, it's not going to work. It's not going to create jobs.

If the minister wants my advice, my advice is very clear: don't proceed with the corporate income tax cuts. Maintain some fiscal flexibility so that we might have some to address these difficult and challenging times. We think that is the responsible thing to do, Minister. You seem to forget that, according to economists now, Ontario will be the only province in recession, Ontario will have the slowest-growing economy in Canada, both this year and next, and Ontario is now facing a string of deficits.

I want to know again, Minister, which are you determined to proceed with, running a string of deficits or making further cuts to health care, education and the environment?

**Hon Mr Flaherty:** I just want to make sure I follow the Leader of the Opposition. What he is saying is that he is against reducing corporate taxes. He says that he is concerned about deficit. He says that he's concerned about recession. He almost takes joy in the fact that we have an economic slowdown in our country.

We're concerned about jobs. We're concerned about ensuring that there are jobs for the people of Ontario. One of the key ways of doing that is to reduce corporate taxes. It is a way of creating jobs in our province. It creates more investment; it creates more investment in plant; it creates more jobs. It has worked since 1995 in Ontario. We are going to stay the course.

## HIGH TECHNOLOGY SECTOR

**Mrs Tina R. Molinari (Thornhill):** My question is for the Chair of Management Board. Information technology has become an invaluable tool in my riding of Thornhill and across the province of Ontario. I believe it is important for the government to embrace this development and use it as a means to better deliver services and information to the people of Ontario.



I know there is more to IT development than Web sites and laptop computers. In fact, there is so much out there it is difficult to keep track of all of it. One of my constituents told me how much she enjoyed attending Showcase Ontario in Toronto and how informative it was. Minister, can you tell about Showcase and how it helps to improve access to information and services?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet):** Earlier this month, as the member for Thornhill indicated, we had Showcase Ontario. Showcase Ontario is a forum in which we bring together both the private sector and the public sector so we can share ideas. This year we had about 3,700 participants in this, with about 144 demonstrations of different types of government applications in e-government. Frankly, we had more than 100 private sector exhibits.

The good part about this is that we also recognized excellence in e-government and many of the different ministries of this government received awards recognizing their teams that worked together to make the province of Ontario better. There were teams from the Solicitor General's office, from the consumer ministry, from Management Board, from finance. These employees of the Ontario government were very proud to be a team, to accept these awards for excellence.

This is a good thing: to bring experts in the private and public sectors together so we can find ways to make the government more efficient and better in e-government.

**Mrs Molinari:** Thank you, Minister, for telling us what this government is doing to enhance e-government services in Ontario. I know it is an industry with enormous growth potential, growth that holds promise of new highly skilled and well-paying jobs, and we all know that these high-value-added jobs are important to sustaining an economy that in turn pays for the services that Ontarians have come to expect.

Within my riding of Thornhill, companies such as Cybermation, Duplimum and the student-owned Tri-Dynamic Studios have spearheaded this technological revolution.

Minister, can you give my constituents of Thornhill and the members of this House some news about the success that this government's efforts have had in increasing investments in the province both in IT and in other sectors?

**Hon Mr Tsubouchi:** I believe Ontario is well positioned to become a leader in e-government in the world by the year 2003.

Earlier this month I had the pleasure of attending and speaking at the software development lab of IBM in Markham. The good news as well was that they are slated to have 2,500 employees come to Markham and create jobs in the high-tech area. This is 500 more than the company originally intended, which is only a fraction of the 11,000 people that IBM employs in the province.

One specific reason why this occurred is that Ontario's superallowance credit, over \$100 million, was given to assist R&D in the high-tech area. Just in the last federal budget, the federal government clawed back this parti-

cular allowance. Fortunately, through the leadership of my colleague the Minister of Finance, most of this allowance was restored through our last budget. This of course encouraged the high-tech companies to continue to do R&D in this province and certainly to assist us in becoming leaders in e-government.

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#### COMMUNITY CARE ACCESS CENTRES

**Mr Dave Levac (Brant):** My question is for the Minister of Health. An elderly couple in my riding of Brant in their mid-70s are experiencing some difficulty with dialysis services and home care. They do not want their names mentioned here in the House, but I would be happy to provide you with those names and addresses after question period.

Specifically, Minister, for the past several weeks this elderly gentleman has had to drive to and from Hamilton five days a week for seven hours a day to have his wife receive dialysis and treatment. The reason why seems to be very unclear. It's either that there's not enough nurses available to assist the local CCAC with services or that the CCAC lacks the funds to hire the additional nurses to assist the elderly patient. This is not an equipment issue because the couple has had the dialysis equipment set up in their home for the last couple of weeks. The problem seems to be either a shortage of nurses trained in hemodialysis or paying for the nurses trained in hemodialysis. For a government that espouses home care initiatives, especially for our senior citizens, we're concerned that travelling five days a week for this treatment is not sound for improvement.

Minister, I'd like to have a little clarification. Do my elderly constituents have to travel to Hamilton in what will soon be very cold and wet weather? Is it because the government underfunds the CCACs or home care or is it because of a nursing crisis we have in our province?

**Hon Tony Clement (Minister of Health and Long-Term Care):** To the associate minister.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I'd like to thank the member opposite for the question. Of course, this government is very concerned about providing care to people as close to home as they possibly can. We are very determined to have the dollars in health care go to the right places so that people get the services they need. We are happy to look into the specific instances, and if you send over the information after, we're happy to look at that.

Let me tell you that in the county of Brant the CCAC has above-average funding compared to across the province. They have a funding level that is higher than many other areas across the province, and with that they also have an increase in the funding that they've received over the last three years. So from our perspective it shouldn't be as a result of the CCAC funding. There's been a substantial increase in the county of Brant in comparison to other counties within the province, but

we're happy to look into it because everybody should be able to receive care in the province of Ontario.

**Mr Levac:** Minister, the fact that you've just said that implies that my elderly couple are now going to get stuck with having to travel in the winter to get their dialysis treatment, and that's not acceptable for this patient or for any patient. The fact is that the allocation seems to be a problem with my riding and all the other ridings, because last Friday the nurse was sent from Hamilton to Brantford in order to treat the couple. They did this because they were concerned that all the travel would cause physical, emotional and mental hardship on my constituents. So that means Hamilton is now affected by this result.

Has home care gotten so bad in Ontario that elderly citizens have to continue to travel five days a week to wait for a patient to get treatment for dialysis because of the lack of funding for this nurse? We know that the local, branch CCAC is doing the best that it can with what it has. I commend them for their efforts, of course, and I have met with them to try to talk about this problem. However, between the funding freeze that you've implemented and critical nurse shortages in the province, you are leaving them with little choice but to send elderly patients packing to other communities for their care.

Minister, I ask you again, will you lift the freeze from CCAC funding so that my constituents can enjoy the home care service in their home that they're supposed to have?

**Hon Mrs Johns:** I guess when I say that I'll look into it for the person, that's not what the honourable member wants to hear today. Let me say that since we were elected in 1995 the province has put an additional \$150 million into dialysis across the province. Dialysis is one of the priority services that we have at the Ministry of Health. We're focused on bringing it closer to people's homes and providing high-quality services. So from that standpoint, let me say that I said I would look into it. It's a government priority; we'll make sure that happens.

Let me remind you that CCACs in the province of Ontario have had unprecedented increases in their funding level—72% increases across the province on average. When an operational review was done, the results in the Hamilton area were frightening—completely frightening. It said that CCAC is a big business and it's at a critical shortage right now because people aren't treating it like a business. We have to move to ensure that we have the services there when we need them and where we need them. We can only do that with good management and we're prepared to take the role on to make sure that happens.

#### FOREST INDUSTRY

**Mr Norm Miller (Parry Sound-Muskoka):** My question today is for the Minister of Natural Resources. I understand that you were recently in Atlanta at the University of Georgia meeting with people about our

forestry practices here in Ontario. I know that Ontario's forestry practices are among the best in the world and that many jurisdictions look to us for leadership in this area, the forest accord being an example of that leadership. Minister, can you tell us about your meetings in Georgia and give us some information about those meetings?

**The Speaker (Hon Gary Carr):** Minister of Natural Resources.

**Hon John Snobelen (Minister of Natural Resources):** Thank you, Mr Speaker, and I thank the member for Parry Sound-Muskoka for the excellent question. I'm sure you and he will forgive me for some awkwardness in answering. I haven't been asked about the results of my travel since I was married.

I can tell you that because of the Ontario forestry accord, because of this unique agreement in Ontario, we were able to go to Georgia recently, as we've gone to other places in the world, and, with members of our environmental NGO community, our forest industry and government, talk to people like Home Depot who are sellers, obviously, of products that come from Ontario, about their issues, about the importance of certification of sustainable forestry practices; and also go to the University of Georgia and talk to the faculty of forestry there—a world renowned faculty I might add—about what's going on in Ontario. They were very impressed with the presentation and I'm pleased to say that they have suggested an exchange program with Ontario.

**Mr Miller:** Thank you, Minister. You mentioned forest certification. How is this important to myself as a consumer and what is Ontario doing to make sure that more of our crown forests, especially those in Parry Sound-Muskoka, become certified?

**Hon Mr Snobelen:** Again, it's been a great result of the Ontario forest accord, of Living Legacy, that we are now able to work with together our NGO community in Ontario and our forest industry in Ontario in the hopes that our world-leading forestry standards can be recognized around the world by various certification programs. We are very active on the file. We are confident that our forestry practices in Ontario are the best in the world and we are very proud to let the world know about that.

#### EDUCATION REFORM

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. I want to know why the minister has created two classes of teachers in this province. On the one hand, we've got public school teachers trying to educate our young people with less and less money than ever we've faced in our history. On the other hand, we've got teachers in the private school system, a system that's getting millions and millions of dollars from this government. But who gets to be tested? Who gets the performance appraisal? It's the public school teachers. Why do we apply one standard to one system and another system to the private system?



New Democrats opposed extension of public dollars to private schools. We opposed it then, we oppose it now, but you've done it. Can you kindly explain, Minister, why you plan to test and test and test public school teachers while private, uncertified teachers get to be exempt? Tell us that.

**Hon Janet Ecker (Minister of Education, Government House Leader):** First of all, there have always been different kinds of teachers in the province of Ontario. That's always been the case; that will always be the case.

Second, the legislation that I proposed—for example, the sexual abuse legislation, the legislation I proposed today—applies to all certified teachers regardless of who employs them.

Third, as you know, the government has been in a consultation process to look at what kind of accountability mechanism, eligibility, might well be around the tax credit proposal.

The final point is that not one dollar has gone to independent schools from the taxpayers. As a matter of fact, the proposal that this government is pursuing is to give money to parents, to respect that parental choice.

I appreciate the honourable member's question, but my answer is as I've stated it.

**Mr Marchese:** I want to say, yes, we always had different kinds of teachers in the past, but in the past we didn't give away public dollars to private schools. That's the difference. She has the temerity to say that the Student Protection Act applies to the private schools, but she knows better. It applies to the certified teachers, but there are thousands of teachers in the private system who are not certified for whom this law does not apply. Equally and similarly, the testing and the performance appraisal doesn't apply to the non-certified teachers in the private system. Speak to that, Minister.

Why are you giving away close to 500 million bucks that comes from a general pot of money to that system and you argue, "Yes, we're trying to help our public school teachers"? Why can't you be as generous in extending your support to those non-certified teachers who presumably need the same kind of help? Can you explain why you have two different standards that most citizens do not understand?

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**Hon Mrs Ecker:** We have been, I'll use the word "generous," to the public education system in this province. They're getting \$13.8 billion—\$13.8 billion—that was increased by over \$360 million this year, over \$300 million last year. That's more money going to the public education system than was going there when we were first elected. Our priority has been and will remain the public education system, because it's incredibly important to our province's quality of life, to our province's economic prosperity.

Second, I'd like to remind the honourable member that the Royal Commission on Learning, which his party, his government, put in place, recommended very strongly that there be professional development for teachers,

mandatory professional development, recertification, performance appraisal. Those are all recommendations that have come from our education partners. We promised we would do it; we are indeed doing what we said.

#### AFFORDABLE HOUSING

**Mr David Caplan (Don Valley East):** I have a question for the Minister of Municipal Affairs and Housing. Is he here?

**The Speaker (Hon Gary Carr):** Stop the clock for a quick minute. There he is. The member for Don Valley East.

**Mr Caplan:** Minister, I can tell you that we're all disappointed to learn about the problems in your provincial sales tax grant program for affordable housing. What was originally meant to be a modest but very genuine effort to build affordable housing has turned into your own housing boondoggle.

As I am sure you are aware, I have done a freedom-of-information request that has confirmed that at least \$1.6 million of the \$4 million from this program went to for-profit retirement homes or to market rent projects. Although your ministry claims that it made efforts to fix the problems by changing the criteria, it was only done after all of the money had been spent.

There are true affordable housing projects that could use this money to get off the ground and to get built. Now is your chance to do the right thing, Minister. I want you to know that many of these retirement home projects have yet to receive a cheque from you. Will you take the money back and recommit to legitimate affordable housing projects? If you won't do that, will you stand in your place today and announce that you will reopen the program to the amount that you improperly directed to for-profit retirement home projects to the tune of at least \$1.6 million?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I think the member opposite knows the answer; it was in the papers on the weekend. When the program was brought out, it was geared to smaller-sized rental units. It was an attempt to recognize that smaller units over time are more affordable than larger units. It wasn't an attempt to create a huge bureaucracy to administer \$4-million incentives to try to get some affordable housing going from the private sector in this province. He's got a concern because it went to long-term-care facilities. That's probably because their government and the NDP government hadn't built any long-term-care facilities in this province for 10 years, and people didn't realize that they would be eligible. When they realized it and they wanted to clarify it, they changed the rules, and for the last couple of years it hasn't applied there.

**Mr Caplan:** Geez, that is total fiction. You have yet to issue a cheque to Royal Gardens Retirement Community in Peterborough. You've authorized a grant for a quarter of a million dollars to this company, which rents their units from between \$2,300 and \$4,200 per month. Do you feel that this project is more worthy than those

proposed by the Centretown Citizens Ottawa Housing Corp., which was designed to house and support working families?

How about the Margaret Laurence Co-op or the St Clare's Multi-Faith Housing Society? They all applied for money, Minister, and they were told that the money is gone.

How about the other projects you funded: \$178,000 to the Jackson Creek retirement home in Peterborough, \$78,000 to the Shorthills Villa Retirement Community in Fonhill, or \$140,000 to Meadowbrook Retirement Village in Lively? There is no affordability component in any of these, and they're not long-term-care centres.

Minister, the choice is very clear. You can make a sincere commitment to build affordable housing and tell us that you're not going to issue the cheques. They haven't been cut yet. If you won't do that, then tell us that you're going to announce that you're reopening the program in the amount that you improperly directed to for-profit retirement homes—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon Mr Hodgson:** As I explained, this program was set up based on unit size. When they recognized that it was going for long-term-care, they changed the program in the year 2000.

If you want to talk about boondoggles, just look at your own government's record when you guys were out doing the subsidy work trying to be a developer. You bought Tartaric. You cost the taxpayers \$400 million in write-offs with your "Let's be a developer" mode of government.

### HIGHWAY SAFETY

**Mr Doug Galt (Northumberland):** My question is directed to the Solicitor General. Last spring, the OPP had a special drive to get drivers holding up traffic out of the left-hand lane of multi-lane highways. This project appeared to be very successful for a short period of time. However, it now seems that we have just as many self-righteous people occupying that left-hand lane and holding up traffic. This was particularly evident on the Labour Day and Thanksgiving weekends when there were significantly more vehicles travelling in the left lane than in the other lanes in total. When this happens, drivers attempting to pass do so in the right-hand lane. Often this leads to road rage. Did your ministry keep any statistics on the success of the campaign last spring, and how successful was it?

**Hon David Turnbull (Solicitor General):** An excellent question. We all know that driving too slowly or refusing to move over is frustrating and very discourteous to other drivers. Moreover, it's a safety hazard. The OPP's Operation Move Over worked to promote lane discipline on 400 series highways. A team of seven officers dubbed the left lane team were committed to this campaign. From April to September, 990 charges were laid and 511 motorists were cautioned. I want to say that

violators faced a \$110 fine and/or two demerit points. We've had some very positive feedback on this program and I'm pleased that you're interested in it, and I would ask everybody to be courteous on the roads.

**Mr Galt:** If the left lane could be kept open for passing and drivers moved to the right after passing, our four- and six-lane highways could handle far more traffic.

I'm curious as to what other programs have been implemented by the Ontario Provincial Police in order to increase road safety. I believe these initiatives are quite successful and would like to know more about what our government is doing to protect the Ontario traveller.

**Hon Mr Turnbull:** Last year, we know there were 3,000 people killed on Canadian roads and there were 200,000 injured in collisions. The police are always looking for better ways to make sure that motorists who break the rules are caught and are told the error of their ways.

To this effect, the OPP had Operation Distraction, which focused on drivers involved in distracting activities. We had Cottage Patrol 2001 where officers inspected recreational vehicles, enforced seat belt laws and went after aggressive driving. Operation Impact focused on a variety of dangerous driving habits. Since impaired driving is the leading criminal cause of death in Canada, drunk drivers are always a target of the police.

### CHILDREN'S HEALTH SERVICES

**Mr Steve Peters (Elgin-Middlesex-London):** My question is for the Minister of Health. For the past three and a half years your ministry has held discussions on alternative funding for pediatric service positions at the children's hospital in London. The hospital's chief of pediatrics, Dr Timothy Frewen, says it's absolutely essential to end the continued underfunding of pediatric specialized services in the southwest. Your ministry has already funded such plans in Kingston, Toronto and Ottawa. But London, why not? Is this health care discrimination?

Now it's clear that the domino effect is starting to take place. Dr Reider pointed out last week that he and many of his colleagues are already receiving offers from many institutions. The head-hunting vultures are circling the hospital already, once again putting the integrity of service in jeopardy.

Minister, will you stand in this House today and stop this domino, rippling effect on the health care system in London and immediately put in place an alternative funding program for pediatrics for London and southwestern Ontario?

1520

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me just reiterate what I indicated to the honourable member in a conversation we had outside this House. Certainly it's the intention of the ministry to move ahead with alternative payment programs across a whole range of surgical and clinical procedures, and we will continue in that vein.



**Mr Peters:** I certainly encourage you to continue on that process, because it is so vitally important. It's become very painfully clear that these program cuts at this hospital have been given very little forethought. There has been no consideration given to the broader implications, not just for the children's hospital in London and southwestern Ontario but for the other medical institutions that deal with children's services across this province.

In today's London Free Press, you are quoted as saying there would be additional funding to deal with waiting lines in Toronto to treat London-area patients, yet on the radio, the London hospital's CEO said he's unaware of a waiting list and transfer difficulties. Why not provide funding to the London hospitals so that they can look after the patients of southwestern Ontario?

Please, Minister, explain to me what is going on. Who is telling us what's going on? I'm calling on you to halt these cuts now and implement a careful review of the delivery of pediatric services in all of Ontario's academic centres so that all our children have access to these services as close as possible. Will you do it? Will you do the right thing, stop this nonsense and implement a thorough, province-wide review of the delivery of pediatric services?

**Hon Mr Clement:** We will continue to do the right thing. In the case he is referring to, the right thing is to ensure that the clinical outcomes are the very best that Ontario can offer. If the honourable member will not take my word for it, he is probably aware that Dr Jim Cairns, who is one of the chief coroners in Ontario, also said last week in London that the decision to divest pediatric surgery "is consistent with what is the internationally recognized way of going in regard to complex pediatric surgery. The less centres, the better, and the higher the volume, the better."

We are on the side of clinical outcomes and you are on the other side at your peril if what you really care about is the future of our kids.

#### RURAL ECONOMIC DEVELOPMENT

**Mr Garfield Dunlop (Simcoe North):** My question is for the Minister of Agriculture, Food and Rural Affairs. Minister, in my riding of Simcoe North and in ridings across our province, our rural businesses and municipalities are looking for opportunities to increase their standard of living, which is why people were very pleased to hear about the launch of your \$200-million rural economic development portion of the Ontario small town and rural development initiative back in August. Could you please explain to this House how the program is progressing at this time?

**Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs):** I'd like to thank the member from Simcoe North for the question. The rural economic development program is a component of the Ontario small town and rural development initiative, better known as OSTAR. The purpose of that is to make sure

that small towns and rural communities remain as healthy places in which to live, vibrant places in which to work and viable places in which to invest. This rural economic development initiative will address some of the barriers we have in rural and small-town Ontario which are identified by the very people who live in those communities.

We are investing some \$200 million over five years. Our goal is to create a diversified business climate, long-term jobs, increased investment, strong partnerships and alliances, new products and new markets for those who have the ability to invest in those markets. We'll do that by working with our partners in rural Ontario, making sure they have the tools and the resources needed to identify new opportunities for economic development.

**Mr Dunlop:** Thank you very much, Minister, for that response. If businesses, organizations or municipalities from my area or from ridings across the province want to participate in this particular program, can you give us some examples of the kinds of ideas they should put forward to your ministry?

**Hon Mr Coburn:** Actually, this program permits lots of room for creativity. We certainly recognize that one size doesn't fit all across this province nor does it work with the variety of challenges and opportunities that exist in our diverse rural areas. That's why ideas for projects that could be eligible for funding are wide-ranging; for example, establishing Internet terminals at tourism destinations to market local attractions to visitors, or exploring new technologies and processes for non-traditional uses of agricultural commodities or developing new food products that promote human health and prevention of disease.

Certainly in keeping with our government's commitment to wisely using our taxpayers' money, applicants must include more than one business or municipality and must share in the project costs. They must also demonstrate their ability to complete the project and carry on needed work after the project is finished.

Actually, it is a program that rewards innovation and creative ideas—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

#### NORTHERN HEALTH SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a question for the Minister of Health. Dr Burke Baird, the chief of pediatrics at the Sudbury Regional Hospital, recently sent a letter to your ministry. In it he said the following: "I am writing to share my grave concern with the recent changes to OHIP funding of audiology services. My concern is that with the requirement to be assessed in the presence of an ear, nose and throat surgeon, accessibility to the critical service of timely hearing assessments will be profoundly impaired." Further, "I can guarantee you that this recent change in policy will have a severe impact on our ability to assess and monitor these fragile

children." I remind you that this is the chief of pediatrics at our hospital, someone who knows what's going on in our community.

In light of this letter, will you now listen to the concerns of health care professionals in my community and reverse your decision on audiology services?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me assure this House that you don't need the presence of an ear, nose and throat surgeon. It would be part of the OHIP rules that there be an ear, nose and throat physician who is available. If that is the case, then I can assure this House that that procedure or service is fully recompensable under OHIP, just as it is through any hospital services and so forth.

If the honourable member has a particular instance that falls outside of that, where someone is being denied care which is available—and as I say to this House, it is available through our OHIP system in the same way it's been available at least for the last 30 years—then she should bring it to my attention. Otherwise, I'm not sure what she's referring to.

**Ms Martel:** You clearly don't understand how serious this issue is. We have a lack of ear, nose and throat specialists in northern Ontario. Thunder Bay now needs three and Sault Ste Marie needs another. We now have 34 northern communities which need 117 family physicians, the same family physicians who are required to get a referral to an ear, nose and throat specialist to get an assessment in the first place. We have the chief of pediatrics who has taken the time to write you a letter to express his concern about the problem in our community and what this will mean to fragile children. In light of that, in light of the underserved areas right across northern Ontario and in light of the fact that in most hospitals there are long waiting lists for these assessment services, will you now listen to the concerns being brought forward by health care professionals and reverse your decision on the delisting of audiology services?

**Hon Mr Clement:** Indeed, it was the recommendations of a series of health care professionals that created this understanding of the policy in the first place, so we are in fact listening to health care professionals. Of course we listen to health care professionals and that's entirely what we should be doing, rather than making a political game out of it.

I say again for the record that these services are available by OHIP. They are available through ear, nose and throat specialists; they are available by community health centres; they are available at a hospital. They are available.

The honourable member refers to shortages of physicians. This has been a concern of this government, and we have acted through the creation of the new northern medical school, through the creation of an expedited process for international medical graduates, increasing the number of international medical graduates from 36 to 90 who are available per year for our underserved communities and through the increased remuneration for doctors who choose to serve in the

north. All of these programs are there to help us recruit and retain medical professionals in our underserved areas and particularly in northern Ontario, which is a policy about which this government is proud.

1530

## COMMUNITY CARE ACCESS CENTRES

**Mr John Gerretsen (Kingston and the Islands):** My question is to the Minister of Health and Long-Term Care. Over the last couple of weeks there have been a number of questions and statements made in the House with respect to the lack of community care funding for nursing and home care services. I know you're doing a review, and I know you want to hand this question over to the associate minister, but I want to hear from you because right today there are hundreds and thousands of individuals who don't want a review, who don't want to know what's going to be made available two or three months from now, but they are hurting today. They're coming out of hospitals sicker and quicker. They need help because there's nobody in their homes to take care of them in any way, shape or form.

What are you doing today for those individuals who need the nursing help, the home care help that they so desperately need? Minister, I'm asking you, I'm pleading with you, make funding available. Just about every community care access centre doesn't have enough funds to deal with the demands for the services they provide to the people in their community. What are you doing today in order to alleviate that situation?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I'll defer it to the associate Minister of Health.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Let me say again that funding in this area has increased substantially since the time our colleague across the road was talking about it.

When we looked at an operational review in Hamilton, they were saying they were under budget by \$19 million. When all the work was done, and we had a ministry-appointed person in there, we found out there were dollars to service the people of the province. What we found out was that at the senior management level there was little understanding of the factors that contributed to the deficit. We found out that the board provided inadequate strategic planning and leadership. It was ineffective in communicating with its stakeholders. There was no effective monitoring of management services that were being provided—utilization and caseloads. About 10% of the dollars that came from the province were used for administration and another 16% were used for case management.

The party on the other side would throw money at the situation. The Mike Harris government is determined to make the system better so that quality health care is provided to all the people of Ontario.



## VISITORS

**Mr Garfield Dunlop (Simcoe North):** On a point of order, Mr Speaker: I'd like to take this opportunity, if I could, to welcome Greg Reid, the chairperson, and Donna Lucas-Astley, a member of the Ontario Parent Council. They're in the gallery today.

## PETITIONS

## AUDIOLOGY SERVICES

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I'd like to present a second set of 1,000 names from the Guelph, Waterloo, Fergus, Kitchener, Cambridge and New Hamburg communities, which reads:

"Whereas the services delisted by the Harris government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario; and

"Whereas this policy will undoubtedly lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians,

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I concur and will affix my signature to that. We have signatures now from 107 Ontario communities.

## NURSES

**Ms Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

"Whereas there is a chronic nursing shortage in Ontario; and

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand the Ontario government take positive action to ensure that our communities have enough

nursing staff to provide patients with the care they need. The Ontario government must:

"Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; ensure front-line nurses play a key role in health reform decisions."

This is signed by thousands of Ontario residents. I agree with the petitioners and I have affixed my signature to it.

## CRUELTY TO ANIMALS

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty to animal provisions in the Criminal Code as soon as possible."

I'm pleased to affix my signature to this petition.

## AUDIOLOGY SERVICES

**Mr Rick Bartolucci (Sudbury):** This is a petition to the Legislative Assembly of Ontario. It's entitled "Listen: Our hearing is important.

"Whereas services delisted by the Harris government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario such as northern Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the people from Garson, Naughton, Sudbury and Cochrane, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I affix my signature and give it to Ana to bring to the table as I am in agreement with it.

### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** Further petitions from the Hamilton second-level lodging home tenants' committee. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas individuals who are tenants or residents in facilities such as care homes, nursing homes or domiciliary hostels under certain acts are provided with a personal needs allowance to meet incidental costs other than those provided by the facility; and

"Whereas the personal needs allowance has been fixed by the Ontario government at a rate of \$112 for nearly a decade and has not kept pace with cost-of-living increases, and furthermore is inadequate to meet incidental costs such as clothing, hygiene products and other essentials;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately review and amend provincial legislation to increase the personal needs allowance from \$112 a month to \$160 a month for individuals living in care homes, nursing homes or other domiciliary hostels."

I continue to support these petitioners by adding my name.

1540

### AIR QUALITY

**Mr James J. Bradley (St Catharines):** This one is strictly within provincial jurisdiction. It's to the Legislative Assembly of Ontario.

"Whereas the Harris government's wholly owned Nanticoke generating station is North America's largest dirty coal-fired electricity producing plant and Ontario's largest producer of the chemicals and acid gases which contribute to deadly smog and acid rain; and

"Whereas the Nanticoke plant, which has more than doubled its dangerous emissions under the Harris government, is now the worst air polluter in all of Canada, spewing out over five million kilograms of toxic chemicals each year, including many cancer-causing chemicals and mercury, a potent and dangerous neurotoxin; and

"Whereas at least 13 Ontario municipalities and seven northeastern US states have expressed concerns that Ontario Power Generation's proposed cleanup plan for Nanticoke is inadequate in protecting the air quality and health and safety of their residents; and

"Whereas the Ontario Medical Association has stated that 1,900 Ontarians die prematurely each year and we pay \$1 billion annually in health-related costs as a result of air pollution; and

"Whereas because the Harris government has now lifted the moratorium on the sale of coal-fired power plants and has set a date for deregulation of electricity, the operator of the Nanticoke plant will likely stoke up

production to maximize profits which will only worsen the air quality in cities like Toronto, Hamilton, Welland, Niagara Falls and St Catharines;

"Be it resolved that the Mike Harris government immediately order that the Nanticoke generating station be converted from dirty coal to cleaner-burning natural gas."

I affix my signature; I'm in complete agreement.

### OHIP SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition that has been sent to me by the Sanatan Mandir Seniors Club in Markham. In reads as follows:

"Whereas the provincial government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, nerve therapy stimulation and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I agree with the petitioners. I affix my signature to it.

### COMMUNITY CARE ACCESS CENTRES

**Mr Joseph Cordiano (York South-Weston):** I have a petition from 150 people from across the city of Toronto who are concerned about the lack of funding for home care services.

"To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute 'patient-based budgeting' for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of \$175 million due to a funding freeze by the provincial government; and

"Whereas due to this funding shortfall, CCACs have cut back on home care services affecting many sick and elderly Ontarians; and



"Whereas these cuts in services are mostly in homemaking services, forcing Ontarians into more expensive long-term-care facilities or back into hospitals; and

"Whereas the North York CCAC has projected a shortfall of \$10 million and is forced to cut service and move patients to waiting lists; and

"Whereas the York CCAC will find itself in a similar situation if 'patient-based budgeting' is not instituted immediately;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately institute real 'patient-based budgeting' for health care services, including home care, so as to ensure that working families in Ontario can access the health care services they need."

I affix my signature to the petition.

#### OHIP SERVICES

**Mr David Christopherson (Hamilton West):** I have further petitions from my riding of Hamilton West. The petition reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I continue to support these petitioners.

#### LONDON HEALTH SCIENCES CENTRE

**Mr Steve Peters (Elgin-Middlesex-London):** A petition to the Legislative Assembly of Ontario:

"Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario;

"Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

"Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

"Whereas these cuts will put the health of the people of southwestern Ontario, and particularly children, at risk; and

"Whereas these cuts will diminish the London Health Sciences Centre's standing as a regional health care resource; and

"Whereas these cuts will worsen the continuing physician shortages in the region;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Mike Harris government take immediate action to ensure that these important health services are maintained so that the health and safety of people throughout southwestern Ontario are not put at risk."

I am in full agreement and will affix my signature to it.

#### OHIP SERVICES

**Mr Gilles Bisson (Timmins-James Bay):** I have this petition of some thousand signatures from the Thunder Bay chapter of Voice for Hearing Impaired Children, and it reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, nerve therapy stimulation, and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have an extreme detrimental impact on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

## DOCTOR SHORTAGE

**Mr Michael Gravelle (Thunder Bay-Superior North):** Mr Speaker, as you know, there are 40,000 people in Thunder Bay who don't have a family doctor. It's a real crisis. We have a major petition campaign going on.

"To the Legislative Assembly of Ontario:

"Our community is facing an immediate, critical situation in accessing physician services and in providing hospital care to the people of northwestern Ontario. While the concern for recruitment and retention of physicians has been a concern for many years, it is now reaching crisis proportions. Training more physicians in northern Ontario is certainly the best response to this problem in the longer term. We are, however, in urgent need of support for immediate short-term solutions that will allow our community both to retain our current physicians and recruit new family doctors and specialists in seriously understaffed areas.

"As residents of Thunder Bay and northwestern Ontario, we urge you to respond to our community's and our region's critical and immediate needs. For us, this is truly a matter of life and death."

As I said, over 40,000 people have signed these petitions and I am glad to add my name to this petition.

1550

## ORDERS OF THE DAY

## TIME ALLOCATION

**Hon Janet Ecker (Minister of Education, Government House Leader):** Mr Speaker, I'd just like to say that this is dealing with Bill 87. I had attempted to get an agreement among all three parties. We have worked out an arrangement with the Liberal Party and the Conservative Party. Unfortunately, we weren't able to get agreement from the third party. What I'm proposing to do is to move a motion. It's government notice of motion number 59.

I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts, when Bill 87 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered referred to the standing committee on justice and social policy; and

That the vote on second reading made pursuant to standing order 28(h) be deferred until the next sessional day during the routine proceeding "deferred votes"; and

That the standing committee on justice and social policy shall be authorized to meet in Toronto for up to three days; and

That, following two days of public hearings, the standing committee on justice and social policy be authorized to meet for one day for clause-by-clause consideration of the bill; and

That, at 4:30 pm on that day, those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration, and not later than November 27, 2001. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on justice and social policy, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading; and

That, when the order for third reading is called, 90 minutes shall be allotted to the third reading stage of the bill, to be divided equally among all recognized parties, and at the end of that time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding "deferred votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

**The Deputy Speaker (Mr Michael A. Brown):** The motion that you have just read is not the motion that you have given notice of. Are you going to re-put the motion?

**Hon Mrs Ecker:** Yes, Mr Speaker, I will. My apologies for that confusion on that. We'll just double-check on here.

I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts, when Bill 87 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered referred to the standing committee on justice and social policy; and

That, notwithstanding standing order 28(h), no deferral of the second reading vote may be permitted; and



That the standing committee on justice and social policy shall be authorized to meet in Toronto during its regularly scheduled meeting times for two days of public hearings and one day for clause-by-clause consideration of the bill; and

That, at 4:30 pm on the day of clause-by-clause consideration, those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration, and not later than November 27, 2001. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on justice and social policy, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading; and

That, when the order for third reading is called, 90 minutes shall be allotted to the third reading stage of the bill, to be divided equally among all the recognized parties, and at the end of that time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding "deferred votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

I believe that is the motion we should be debating.

**The Deputy Speaker:** Ms Ecker has moved government notice of motion number 59. Debate?

**Mr Doug Galt (Northumberland):** I'm pleased to be able to speak on this time allocation as it relates to Bill 87, the proposed Food Safety and Quality Act. I think it's a shame that it's come to this for a government that's had extensive consultation in all areas, particularly this bill. It's become a hallmark of our government for extensive consultation. As a matter of fact, our government has had more hours of hearings after second reading than either of the previous two governments that were here from 1985 to 1995. It's had more hours on third reading than either of the governments from 1985 to 1995. What's

more, we've had more hours of hearings in Queen's Park in committee as well as out on the road. Those are facts and figures that are well documented.

I think the other one that's quite interesting is the fact that we've had several hearings out to committee after first reading. I believe we're up to four or five bills now; quite a few, anyway. The nutrient management bill just happens to be one of those that went out. The committee, with all parties, went out and travelled the province and heard from a lot of people.

As I said, extensive consultation is a hallmark of this government, similar to what we're doing here with Bill 87, the Food Safety and Quality Act. There has been consultation on it for some time now. With the nutrient management bill there's now been over two years of consultation. That just gives you some indication. It's obvious the third party is playing party politics here to insist that this bill be put to a time allocation motion, which indeed is most unfortunate. We might better get on with other pieces of legislation in a true democratic way.

Over the past several decades, advanced technology, the diversification and aging of our population and changes in lifestyle have encouraged the introduction of new or more convenient foods and beverages in the province of Ontario. As well, products once considered seasonal are now available year round. Ontario consumers can enjoy an abundant supply of these safe, high-quality foods, produced here, in other parts of Canada or in the farthest corners of the world. But the growth and the variety and availability of these foods and their sources also involves a higher risk of exposure to food-borne illnesses. The risk of food-borne illnesses can be minimized by the concerted efforts of all participants along the production, distribution and preparation chain to do their part for food safety.

Consumers rely on food producers, manufacturers and retailers to ensure the safety of their food. They also expect governments to exercise their authority to set food safety and marketing standards and to make sure that standards are indeed met. In Ontario, we need to keep pace with changes in scientific information, technology and industry practices, and modernize our approach to and role in the food safety system. Bill 87 would allow us to do just that.

The proposed Food Safety and Quality Act would increase the effectiveness of the provincial food safety system, further safeguard public health, increase consumer confidence and improve the marketability of Ontario's agri-food products.

In the 1990s, the global food trade, emerging food safety hazards and the public's changing preferences for types of food has led government in Ontario, and around the world, to take a critical look at public and private sector efforts to ensure the continued safety of our food supply.

On a global level, food safety systems are being modernized using a consistent approach, for example, of risk- and science-based from field to fork, as opposed to the century-old method of plain old visual inspection.

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The science-based system uses a systematic assessment of identified food safety risks along the food chain and implements appropriate measures to minimize those risks, rather than simply trying to spot and remove problems after they occur. "Field to fork" means everything from the farm all the way through to the consumer.

The government of Ontario supports adopting such a system, beginning with consultation and the modernization of most existing food legislation, other than the Health Protection and Promotion Act, and placing the new, consolidated act under the jurisdiction of the Ontario Ministry of Agriculture, Food and Rural Affairs.

The proposed Food Safety and Quality Act would consolidate and modernize the food safety and quality components of five current food-related statutes that are now under the Ministry of Agriculture, Food and Rural Affairs' jurisdiction. They include (1) the Dead Animal Disposal Act; (2) the Edible Oil Products Act; (3) the Farm Products Grades and Sales Act; (4) the Livestock and Livestock Products Act; and (5) The Meat Inspection Act.

There's a sixth act, the Ministry of Natural Resources' Fish Inspection Act, which would also be consolidated under the proposed legislation. OMAFRA would be responsible for the administration of fish regulations under the bill. This means the food safety and quality requirements for commercially harvested Ontario fish, including fish from aquaculture operations and fish processing, could be established and administered under the same act as most other provincially regulated food products.

Bill 87 is the culmination of a great deal of work by the Ministry of Agriculture, Food and Rural Affairs. In addition to developing the proposed act, we have undertaken several initiatives in recent years to help ensure that our food is safe and of the highest quality. As part of the normal course of business, OMAFRA has recognized the need for improved water quality standards at our abattoirs. To address this, last year staff upgraded testing programs and coordinated the installation of effective water-treatment systems. This has led to enhanced product safety and quality at provincially inspected abattoirs. Plants not able to source potable water are now closed until the problem is fixed.

A new computerized information system, the food safety decision support system, has been in use since late 1999. This has enabled massive amounts of data to be obtained from audits, laboratory testing and inspection reports to be accessible for risk management purposes. The data are used to determine licensing eligibility and inspection staffing needs in the meat and poultry industries.

In addition to Bill 87, there's one other significant Ontario Ministry of Agriculture, Food and Rural Affairs initiative linked to improving Ontario's food safety system. Bill 81, the proposed Nutrient Management Act, and Bill 87 have the common goal of improving the

competitiveness and the economic activity of the agricultural sector. The proposed Nutrient Management Act addresses the management of materials containing nutrients and other farms practices, including the management of dead stock on the farm. Bill 87 includes the off-farm disposal of dead animals. These two bills are being coordinated to ensure that the appropriate management of dead stock is continued.

The proposed Food Safety and Quality Act would allow us to broaden the scope of Ontario's food safety system to cover more foods, starting at production and ensuring coverage throughout the food chain. We must take advantage of recent scientific advances to keep us competitive with the rest of the world. We need to strengthen enforcement measures to ensure the safety of all people here in Ontario.

Ontario has been working to improve the food safety system for some time. An internal review of Ontario's food inspection system determined that food safety risks could be further minimized by, among other measures, focusing inspection on higher-risk foods and using updated scientific information to determine and address food-borne risks. It is recommended in Bill 87 that the Ministry of Agriculture, Food and Rural Affairs assume the responsibility for food safety inspection not only in abattoirs but also in meat and fish processing plants that are not federally registered to ensure a consistent and equitable risk-based approach to inspection.

Creating a single, modern and comprehensive Food Safety and Quality Act rather than updating separate statutes lays the groundwork for integrating the existing web of legislation, providing the flexibility the industry needs to remain competitive and enhancing food safety throughout the food chain. It will provide the tools to consistently and effectively manage the range of foods available in Ontario. This legislation will clearly establish the industry's primary role in ensuring that the food it produces is safe and will define a government's roles in standard setting and oversight of the entire system.

The proposed legislation would also ease the incorporation of national standards now being developed to provide equivalent or common requirements for food safety across Canada. The proposed new Food Safety and Quality Act would provide for the establishment of safety standards as well as the relevant existing provisions related to food quality, labelling, packaging and advertising.

Since all players along the food supply chain have a responsibility for the safety of food by ensuring that industry practices and facilities do not contaminate the food we eat, the proposed legislation recognizes all the players in this chain: those who grow, store, cut, cook, can, bag, transport and sell. The proposed legislation provides the powers to set standards and deal with identified food safety risks from the farm right through to food distribution.

Currently, the compliance and enforcement tools vary with each piece of legislation. A single Food Safety and Quality Act would provide a common set of tools



necessary for establishing, implementing and enforcing a comprehensive, efficient and effective food safety program. These major provisions, prohibitions and enforcement measures will provide the Ministry of Agriculture, Food and Rural Affairs with the ability to inspect food and premises and take the appropriate action to prevent the marketing or distribution of food products regulated under this bill.

Bill 87 provides the government with the tools necessary to set standards and requirements and to effectively administer and enforce the act and its regulations with regard to food safety. The act and its regulations also establish the industry's roles and responsibilities with respect to food safety and quality.

If passed, regulations under the new act would be developed in consultation with all affected stakeholders, and I stress "consultation." This has indeed been a hallmark of our government. Full implementation of the changes to the food safety and quality system will depend on the timing of the approved regulations and the readiness of industry.

For some sectors, the regulations would result in little change. In other areas such as aquaculture, horticulture and processed meat sectors, new or more specific food safety requirements may be introduced

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We are committed to consulting on each commodity or sector regulation that comes under the authority of the proposed act. In the end, our overall goal is to move in a step-wise fashion to (1) a modernized science-based food safety system founded on the principles of risk analysis and risk management; (2) a seamless system that covers the food chain from field to fork; and (3) a market-friendly system consistent with Ontario's trade responsibilities and industry's needs. When we have reached that goal, all of Ontario will benefit.

I can very enthusiastically support this bill. I find it unfortunate that we've ended up in time allocation, especially with all the consultation that's been carried out. But I can certainly enthusiastically support it.

**The Deputy Speaker:** Further debate?

**Mr Ernie Parsons (Prince Edward-Hastings):** I was born after World War II and I've never had a greater sense than I have had in the past month of how fragile and how very important democracy is to our way of life.

This is not a bill that merits time allocation. This is a bill that merits full public debate. When time allocation is put into place, as is being forced on us today, it doesn't mean that just members of the opposition lose their voice; it means our constituents from both sides of the House lose their voice on this bill. That is absolutely shameful for a bill that is as important as this, that there is a need to restrict public input and debate into it. If there is a motto for this government, it seems to be "Never time to do it right; always time to do it over." I strongly protest the desire and the consistency of this government in all of its moves to restrict debate on each and every bill of any substance.

The bill itself, as I said, is important. What I find difficult to deal with is this government, and if I think of an analogy, my wife and I have had quite a number of children through our home over the years in our role as foster parents. Certainly they bring different challenges with them and different perspectives on life. Some of them will say when asked to do something, "No, I won't." Others will say, "Yes, I'll do it," and then not do it. I find the ones who say, "No, I won't," are easier to deal with. They're upfront and you can talk to them and analyze why they don't want to do this particular thing. The really difficult child to work with, the problem child, is the one who says, "Yes, I'll do it," but then actually doesn't deliver. This government says a lot: "Yes, we'll do it." "Yes, we'll solve this issue." "Yes, we'll produce a bill."

Here's a bill they're producing that gives the appearance of having solved the problem of our food safety, but it doesn't deliver other than the title. It's difficult for members of the public to understand that the title doesn't really mean the bill's going to do something, that it's just a title. There is a sense with this government that when we talk about something, the problem is in fact solved: we don't need to solve the problem; we just need to talk about solving the problem.

If we look at the bill as they've proposed it, it's a hollow bill. All of the details will appear in the regulations. I know this government says we're going to have some consultation on the regulations, but the bill itself has to be voted on and the regulations do not. To consult is quite separate from consulting and reacting, and there is no obligation to react to any suggestions coming forward during consultation. There's no power in this bill. The power lies in the backroom activities afterwards that will decide what format the actual bill will take.

If we look at combining the acts, the Dead Animal Disposal Act is a problem that this government, in place for over six years, has not been able to resolve. That is a significant issue to the rural community that affects all of Ontario. They weren't able to deal with the problem when it was simply the dead livestock act because the reality is there is no marketable value from dead livestock as there was quite some years ago when I was young. The farmer is faced with paying someone to take it away, and there's an acute shortage of firms in that business. It means the animal has to be disposed of. Can the animal simply be taken out and buried? No, things don't work very well that way in Ontario in January and February. Can the animal be dragged into the woods and abandoned? Yes, it can, unfortunately, but that has effects on our groundwater and our safety. In six years this government has not been able to address that.

The Edible Oil Products Act: it sounds like a fairly minor act that's going to be rolled into this, but it is a significant act because it profoundly affects our farmers who right now have the security of knowing that a product that's labelled cheese is 100% a milk product, a product that is labelled anything in the dairy chain we know is 100%. Will this enable edible oils to be mixed

into it? We don't know. But we do know that there is a fear on the part of the farmers—and there should be a fear on the part of the people—as to what will be contained within that product that is labelled dairy.

People are often cynical about politicians. This process and this act only gives them ammunition for that. Here we are talking about something that really has no substance, and they feel absolutely powerless to be involved in the process. The beauty of this from the government's side is that we can talk about it, but we don't have to put any funding into it; we just talk about it.

If we look at this government's track record on food safety and food inspection—a 45% cut. Is that a commitment to food safety? Obviously not. It's gone from \$12.5 million to \$7 million under the life of this government, reduced the inspectors from 130 to 80—five enforcement officers for the entire province.

Does this government truly believe that there is not a problem with food safety? They must, because between 1996 and 1999 there were only 18 people or corporations convicted of breaking food safety rules. Unfortunately, I don't think the 18 is a reflection of the status of food safety in Ontario; it's a reflection of the status that this government is not committed to making food safe. To have inspections requires money expenditures, and they have clearly not committed money to it. We are dealing many times with a smoke-and-mirrors government that believes that as long as we talk about it we can fool all of the people all of the time. I don't think that. This bill may be more efficient in the sense that right now the government is not enforcing six acts, so this way they will simply have to not enforce one act rather than not enforcing six.

We are concerned about the issue of illegal slaughterhouses. The government says it is. The primary inspection tool we have for illegal slaughterhouses in this province is the media. We have to count on the media to expose an illegal operation. The Toronto Star has probably been the leading inspection mechanism for this government in terms of slaughterhouses operating illegally, unsanitarily and unsafely out of backroom hidden buildings. That is an absolutely dismal reflection on the government's commitment to it, when they rely on a newspaper to expose it for them to follow up.

We're watching what is happening at Guelph with the animal health lab there. We are in not just a world economy but a world environment now, where things can cross from one side of the ocean to the other and we're getting diseases we've never heard of before. We're getting potential risks that we never heard of before that require research to ensure that we have an antidote and a mechanism to deal with it. This government, while paying lip service to the lab at Guelph, continues to cut the funding. It may be good to help compensate for the corporate tax cuts, but they are putting at risk the health of every man, woman and child in this province when they very quietly reduce and reduce the funding to deal with these hazards that are obviously facing us.

Then they talk—and it's *Toryspeak*—where they say “alternative delivery mechanism” in the bill. What that means is a variety of things: it means privatize, it means to download and it means fees. This government that cuts the corporate taxes in fact levies the taxes in another way. This bill gives the minister tremendous powers to levy fees.

I have some experience in beef farming. If I as a small farmer take an animal in to a slaughterhouse, I'm forced to pay the fees, and I will be forced to pay the fees because a slaughterhouse, to stay in business, will have to pass it on to me. The slaughterhouse in turn is going to sell its product into a world market. Beef prices are not determined by what happens in Ontario; beef prices are determined by what happens in North America. So if I'm forced to pay a fee, it has the effect of putting me out of business and it has the effect of putting all of the other small farmers out of business. Then that leaves the market open for the large multinational corporations, for us to purchase our beef across the border, as happens to some extent now. So the fees that would be levied by this government or by the minister would not apply to each and every beef producer; they would apply to the small Ontario producer, the small family farm. It will be an attack on it.

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In Ontario, all of these small farmers together, combined with the large farms, are a \$28-billion-a-year industry, the second-largest economic engine in the province. This bill is extremely important because it has a potential to adversely affect our family farms and put at risk the industry.

We have other economic dilemmas and other economic attacks facing this province. This bill should not be rammed through. We should hear from those affected by it. The process of limiting the debate is fundamentally wrong, and I oppose it.

**Mr Gilles Bisson (Timmins-James Bay):** I want to take this opportunity to put on the record a couple of issues in regard to this, first of all, closure motion, which means to say that we are given a little bit more latitude on what we're able to speak to and what we're not allowed to speak to, and also specifically on this particular bill.

Let me just first of all say generally on Bill 87 that I would be willing to accept that there are some aspects of this bill that not only I but the rest of the NDP caucus support in regard to the Food Safety and Quality Act, 2001. The big difficulty we have, however, is that although the bill attempts to bring together various pieces of legislation under one omnibus bill, I guess you could call it, the food safety legislation, which is probably desirable—I wouldn't argue so much that that's a bad thing in itself—and puts in certain measures in order to deal with this issue generally, I have some problems with the bill from the perspective that much of what's to do in the bill goes back to whatever's going to be in the regulations. This is something that we're seeing more and more of now.



To be fair to the Conservative government the other way, it's not the only government in the history of Ontario that has come back with regulation in regard to legislation. We all know in this place that a bill is drafted, the minister tables the bill, there's a debate in the House and some time within that debate—hopefully before third reading; sometimes at second reading—we get to see what some of the regulations are. Then the details of the bill often are within the regulations themselves.

Normally we as members are able to deal with that because a bill is fairly specific in most cases. You know what a bill is going to say, and you say, "OK, it's the intent of the government or the minister of the day to do X, Y or Z." You know that the regulations are really only speaking on how you make X, Y and Z happen. In normal cases, the bill is fairly direct about what it wants to do.

The problem I've got with this bill is that when you read it, the bill itself is fairly vague about what it wants to do. It leaves much of the business of what's in the bill to the whim of the minister and the cabinet when it comes to drafting regulations. As a member of the Legislature, I think you would agree, Mr Speaker, it's fairly difficult to accept a vote on a bill when you really don't know what the government is going to do at the end of the day when it comes to regulation.

We—the third party, the NDP—have said in debate that generally we don't disagree with what the government is trying to do by way of this legislation but we want an opportunity to see the details of the regulations so that as we're having debate on second reading we're able to look at the regulations and say, "Yeah, this is a good thing," or, "No, this is a bad thing," or, "This is where we think we need to fix the bill when it goes to committee," so that at least you know what you're dealing with when you're talking about the bill.

Instead, what you've got is the government saying, "Trust us. Don't worry; be happy. The bill is what we say it is and don't worry about the trivial stuff in the regulations, because—nod, nod, wink, wink—everything will be OK." The difficulty with that is that we don't know if everything's going to be OK. The government could put anything that it wants into this legislation by way of the regulations it will impose by cabinet some time, whenever they get around to doing that. Unfortunately, they'll probably only do the regulations after the bill has gone to committee and finished third reading. So somewhere between third reading and proclamation of the bill there will be the regulations that will come out on this bill. It will basically really give you the details of what's in that particular bill.

I notice my good friend Mr Kormos, who agrees with me, is here right now. I'm not so sure but I think Mr Kormos probably is in the House because he wants to speak to this some time today. Or does he want any time at all? He answers, "No, I'm leaving." Yes, you do. Of course you do.

That's a way of telecommunicating when you're on the floor. You can't actually speak to somebody. Send

me a note if you're trying to tell me something over there, rather than waving. There we go. Oh, they're waving at each other. I see. OK. You really don't get the appreciation of what's happening in this House by watching the debate because members are waving at each other and trying to pass each other notes. I thought it was directed at me but I happened to be caught between the waver and the wavee, so I'll just continue.

I'll only say that I can support what the government is trying to do generally with the bill, as I was saying, but I have some great difficulty actually voting for this bill at this point because most of what is in the bill is really not in the bill, it's going to be in the regulations, and that's going to happen some time between third reading and proclamation of the bill. It's a pig in a poke. You really don't know what you're going to get.

We have suggested to the government, why don't you bring the regulations upfront, and if you're not prepared to bring all of the regulations, at least bring the framework of what it is you're trying to do. We can also understand, because we've been government, how bills are put together. Technically there are some difficulties when you're trying to pull a number of bills together and you might not be able to bring all of the regulations, but maybe you could bring forth at least the main thrust of what it is you're trying to do. Then we as members of the Legislature, on all sides of the House, can take a look at it and we can have some reasonable debate.

More important, we can take those regulations and bring them out to organizations like the Ontario Federation of Agriculture and others who are interested in this debate and show them not only the bill but the regulations, so those people who work in the food industry, both on the farm and the processing side, are able to look at the bill and the regulations and say, "Yeah, this is a great thing. We think this is good stuff and you should support it." At least in that way I'd feel a little bit more comfortable, as member of the Legislature for the riding of Timmins-James Bay, voting on a bill on which not only my constituents but those people who know all about the food industry could come back and say, "Yes, this is a good thing." Then we could stand up in the House and say yes, and maybe even then we would support speedy passage.

But the government is basically saying, "No, we're not going to give the Ontario Federation of Agriculture any details of the regulations, or anybody else for that matter. What we're going to do is move a time allocation motion here today, on October 15, in order to give this bill speedy passage," so that you can go off wherever it is that you draft your regulations and bring them back outside of the public purview.

A member got up earlier—I forget which government member it was—and said, "It's really unfortunate that the NDP are playing games and are not willing to give us unanimous consent to move a bill in a period of three hours and pass it through this House." Of course not. It would not be responsible on our part as an opposition to give the government speedy passage of a bill that it

hasn't given us details on. Can you imagine if you walk into a dealer somewhere to buy anything and the person says to you, "You're here to buy whatever product. Here's a picture of it and here's a write-up on it. Trust me, everything is OK. Just fork over your money and you can pick that up some time next week when I'm not in town"? What would most consumers say? They would say, "Come on, give me a break. I ain't buying this thing unless I see it, feel it, touch it, try it out and make sure it's worth the value that I'm going to pay for it." Most consumers understand that, and as a member of the Legislature I understand that. I'm not about to be a party to fast passage of a bill in the House on the basis of not knowing what it's all about.

I say to the government, first, the reason we're opposing your time allocation motion and the reason we would not support you in getting speedy passage of the bill is simply because you need to give us the details of the regulations. Never mind satisfying Gilles Bisson in the opposition or the NDP caucus or the Liberal caucus for that fact. We're part of it. What you need to do is satisfy the food industry and let them know for sure what they're going to get into.

I want to put on the record a letter—it's actually dated today—that was addressed to the Minister of Agriculture, Food and Rural Affairs. Going through the letter, the people in the Ontario Federation of Anglers and Hunters—excuse me. You can tell I'm from northern Ontario. Sometimes I get my acronyms mixed up. It's the Ontario Federation of Agriculture, and I apologize to those I might have insulted by saying that, or not insulted, basically saying that. He says here, "Second reading debate of Bill 87 has been completed and it appears to be moving through the legislative process at an accelerated pace. This is taking place before any careful analysis of OMAFRA's responses, so critical to our position"—meaning the OFA—"on the legislation, can be made. OFA is also concerned that the economic impact of this legislation has not been carried out by the ministry."

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So the OFA, who are the experts, in my view, when it comes to this particular issue, are saying, "Slow down; whoa. We've got some problems here. We're not totally convinced that the ministry responsible for the bill has done its homework on this and we're worried that at the end of the day there are not only some financial issues that will come home to roost," pardon the pun, "but also that it'll be an issue of what is really in the bill. What are we really buying here? What are we really setting up? How is this thing going to work in the end?"

So they're saying to us, "Given there has been a short period of time dedicated to consultation with 'field to fork' organizations on this bill, and given the significance and far-reaching authorities of the bill, it is our expectation that it would be subject to public scrutiny."

I just heard, not more than 20 minutes ago, a Conservative member of the House get up and basically denounce the NDP opposition for being frivolous and not

very responsible in not allowing the government to move forward on a unanimous consent motion to give speedy passage of this bill. The reason we're not allowing it is because the very people this bill is supposed to work for are saying to us, "Whoa, hang on, slow down. We want to check this out. There are some issues here that we're really somewhat concerned about."

It's not to say that the OFA at the end of the day will not support the initiative. I may very well support the initiative at the end. I think there are some things in what you're trying to do here that generally are OK. But we're saying, "Hang on. Let's look at the detail. Let's not buy a pig in a poke. Let's not go in and do this blindly. Let's take a look at what the issues are. Seeing that the bill doesn't spell out in legislation all of the detail and most of that is left to the regulation, give us the regulation, or at the very least, give us what you intend to put in the regulation by way of document so that we know what we're buying and at that point we can either vote for or against." Then we feel that we've done our job.

They also go on to say, "OFA respectfully requests Bill 87 be moved to a standing committee of the Legislature with a provision for public hearings before moving to third reading."

The government is going to say, "We're doing that." The government is going to say, "We're allowing this, by way of our closure motion, to have some public hearings," but you're basically talking about one day on the road and a couple of days here in Toronto.

The last time I checked, most of the farm community and most of the people in the agricultural community generally and those people who process food are not all in Toronto. I want to say to the members across the way, the province is a pretty big place. Once you get north of Steeles Avenue and once you get west of the Don Valley and the other side of the Gardiner, there's a whole other province out there. It goes on for hundreds and hundreds of miles. In those areas there are all kinds of agricultural communities, there are all kinds of people in the agribusiness who want to have an opportunity to speak to this.

So why not go to the communities in around Ottawa where there's a large segment of the population employed in the food industry? Why not go into southwestern Ontario where there's a huge industry? Southwestern Ontario, as I would hope most people would know in this Legislature, is one of the largest areas as far as the basket where we grow foods and produce foods into finished product in this province. Yes, Toronto plays a role as well, because we know this is where a lot of it is shipped through and some of the processing is done, but generally southwestern Ontario has a fairly large role. And even, I would say, in central and northern Ontario, both northeast and northwest, there are also very important interests when it comes to the food industry.

So I say, in defence of those people who live in those parts of the province—the northwest, northeast, southwest, central and southeast part of the province—



they're not going to get an opportunity to speak on this bill.

It is my view, as a social democrat, that public scrutiny is a good thing. If we truly say we believe in democracy and that we believe in the tenet of democracy, which is openness and transparency and, yes, criticism where need be and praise where necessary and where it's deserved, that, for me, is a good thing. I want the opportunity for members of the public who know something about this type of legislation, who understand what the implications are, to come forward and to say to us, "Yes, Mr Government, Mrs Government, members on the committee, you have done a good thing." If they say that, I've got to take them at face value. Maybe those people who are coming before the committee in numbers from different parts of the province may say this is a good thing once they've seen the regulations and have had a proper opportunity to look over this bill. Then it deserves our support. But it certainly doesn't deserve our support if the process is being truncated. If people in the food industry are saying, "There is insufficient time for public consultation. There is much in the way of details that have not been put forward in the legislation and will come out later in regulation and we haven't seen it," I would say that it leaves much to be desired.

The other thing I want to say—I forget who the government member was. I wish I had written it down. I think it was Mr Galt, but I might be wrong, who got up and said, "The NDP is playing politics by forcing the government to go to time allocation." First of all, governments don't need to be forced into time allocation. I want all members to look back at previous sessions, when the government came and changed the rules of this House. You don't need, quite frankly, to put anything through time allocation to get your legislation through because of the way you've set the rules.

If you look at where we were in the debate on this particular bill, there were maybe two days at the most left to debate by the time members would have finished speaking to the bill. So I say to myself, "What the heck is the government up to? Why do they need to put this thing into time allocation?" Most of our members in the NDP caucus had spoken to the bill, of those who wanted to speak to it. I think we had two or three speakers left who wanted to speak to the bill. They were the only ones left. I'm not sure about the Liberal caucus, but I would imagine it was the same; there weren't all that many people left who wanted to speak on the bill. The big issue for us, as New Democrats, was to make sure there was sufficient time in committee to deal with issues so that the public was able to raise their issues, and we wanted to ask some details on the regulations.

The government was not forced into having to do time allocation, because we would have called this bill up in due process today, under the current rules of the House. The NDP would have had the opportunity to have one member up because of where the rotation was, because the last time we left it was starting a Liberal rotation, which means that by the time you go through it, we

would have had the chance to have one speaker, and the following day that you called this we would have had our other two speakers up. So at the most you would have had two days of debate and this bill would have been done.

"What are you gaining by going to time allocation?" is what I'm asking. You're gaining nothing. To me, it's a frivolous use of the rules of the House to go to time allocation when you're almost finished debate on a bill that is not that controversial, so I find it kind of strange that you would use time allocation. Members of the opposition were basically saying to you at the House leaders' meeting, "There are about two more days of debate left on this bill." I figured on one day, which is what I actually was referring to the last time I was talking, I think at the last House leaders' meeting. I didn't realize we were that caught up in the rotation that it would actually be two, but the point is that you were no more than two days of debate away from having this bill. So what have you gained? You've gained one day. In the process we've not, in my view, done a good job in providing the public out there who want to speak to this bill the opportunity to come to committee.

I really wonder about—I'm not going to say the "competence" because I know the House leader and she's a very competent individual. I have a lot of respect for Janet Ecker. I don't agree with her politics but I think she's a very competent individual who's trying to do a good job. So I say to myself, "I know it's not incompetence on the part of the House leader, because she is very competent." I wonder then, "What is going on? Why has the government got to bring this thing in in time allocation?" It makes no sense to me.

I say to the government across the way that time allocation may feel good from the government's side, introducing it and making it go through and saying, "We got our way. Showed them." Well, you didn't really achieve anything, in my view. You gained one day, but at the cost of what? At the cost of giving the opportunity to those of the public who want to speak to this bill.

This brings me to the point that I want to make as a second point—this is where we get a bit of an opportunity, because it's time allocation, to stray away from the bill a bit—and that is the whole issue of democracy.

I have been a member of this Legislature for three terms. That's not a long time in respect to this place. There are members who have been around here a lot longer than I have, but I've been around here three terms, some 11 years now. I have seen the transition from what were rules that were fairly lax when I first got here to rules that were tightened up by all governments. The Liberals came in first of all, and I think it was Sean Conway who was the minister responsible as a House leader at the time, and brought in, at the time of debate on auto insurance when my friend Peter Kormos had held up the House in a bit of a filibuster, rule changes that very much limited the participation of members in this House.

And, yes, I was the member of a government—the NDP government, that is—that under our House leader, Dave Cooke, made changes to the rules. I remember in caucus, when that debate came before us, saying we had to change the rules. I was saying, like I would imagine the current Conservative members, “Yeah, go get them, Dave. Boy, we’ve got to stop that opposition from stopping our agenda going through.” I was just as stupid and naive as the others until I talked to a couple of the members who were more senior to me, people like Howard and Shelley and Floyd and a few others, who came to me and said, “You know, Gilles, what comes around, goes around. You’re going to find out if, unfortunately, you end up being in opposition in this place one day”—because we were then government—“that these rule changes are going to come home to you to roost.” Certainly they did. The rule changes that we made, in the grand scheme of things, in the NDP government were not a wise thing.

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Now I’ve sat through two Conservative governments where on two occasions you’ve changed the rules of the House, to the point that debate has become almost meaningless. We sometimes are able to effect some change in debate—I’m not saying it never happens—but I remember a time, when I was first elected to this place, that when a bill was introduced in the House, the minister sat in on the debate through the entire second reading, which might have taken a period of a whole session to get through. The minister and his or her parliamentary assistant would sit through the bill, listen to what the members of the government and opposition had to say and make notes. We had our staffers paying attention in the wings. The thing would be brought back to the minister, and the minister would look at some of the points. Yes, some of it was political rhetoric, and you sort of cut that from the chase, but at the end of the day there was a certain amount of compromise that went in. The minister would go in and say to the opposition critics, “OK, we hear you. You don’t like this. You like this. You want that changed.” There was a bit of toing and froing in order to change the legislation so that it would become a little bit more acceptable to the general population of Ontario.

We have now gotten to the point where we have second reading debates and the ministers aren’t even here—not even the parliamentary assistants. In this case he is. I’m not picking on you on this bill specifically, Minister of Agriculture; you are here. What I’m saying is that far too often we have debates in this House where the ministers or parliamentary assistants are not even present during the debate. That worries me, and I think it worries a lot of members, if you sit down and really think about it. It means that the comments that are being made by members of the government and the opposition are not being taken into consideration. They’re not always just comments that we bring ourselves and are our own personal feelings. The government members who’ve been around here long enough know that more times than

not you do some work with the community to find out what the issues are and you bring their concerns to this House. That’s what democracy is all about. It worries me that we’re coming to the point in this Legislature where individual members are not able to play the role they need to play in this Legislature. That bothers me, and I think it bothers a lot of Ontarians as well who sit down and think about this, because it means that democracy is kind of broke.

I’m not going to sit here and chuck grenades at the government because, in fairness, it’s not just the PCs that made this happen. I think you’ve accelerated it big time, but you’re not the only ones. The Liberals, New Democrats and PCs all had a hand in this. We’ve all changed the rules to some extent. As I said, early on, we felt very justified when we were making those rule changes in our respective caucuses because, darn it, that opposition was getting in the way. Well, you know what? The way I see it, that’s what democracy is all about. Yes, democracy is slow. Democracy is not quick like a dictatorship. Democracy is not about making things happen just like that. Democracy is about debate. It’s about an exchange of ideas. It’s about, yes, ideas that might be contrary to the government view or even contrary to the view of the majority of the population. You have to have those kinds of debates to see issues from the various sides. Once you’ve had those debates in this Legislature, you then need to have a mechanism to get out of the Legislature into committee, or whatever other format, so we can take those issues and bring them into the debate so that we can reflect those various views in our legislation.

I agree that at times a government’s just got to do what a government’s got to do. If the Tories come in and they’ve got an ideological belief that they’ve got to cut capital taxes, you’re obviously going to get some arguments from this side of the House when it comes to corporate taxes. That’s your ideological belief, and I expect you to do that. But on these kinds of things I say you have to have a really good debate. As a matter of fact, even on the tax issue, I would argue, you have to have debate. I would argue that the tax cuts you’re proposing, that you want to accelerate, income tax cuts, are not as effective as moving on the PST side. I think that’s healthy debate. So my point is, I think we’ve really let democracy slip, all of us in this Legislature, by allowing changes to the rules to the point that members don’t have the kind of role now that they used to have in this Legislature when it came to making things change.

I remember first coming to this Legislature and talking to some of the people who were here before me for a number of years, people like the former leader of the Liberal Party, Bob Nixon, Floyd Laughren and others who were here for a long time. They’d talk about the kinds of things that happened in this Legislature in years gone by and about people like Elie Martel. It was really a toing and froing.

Members in the Bill Davis government would come to the opposition critic and say, “Listen, we’ve got a



problem. We don't agree either. How about if we work together and try to find some way to accommodate?" No wonder Bill Davis and the Tories stayed in power for so many years. As much as we may not have agreed, as New Democrats, with the Bill Davis government, at least there was an attempt to say, "OK, let's not look at things only from the right-wing perspective; let's look at doing things from various perspectives so that we make it right for Ontario." The Tories held power for 40-some-odd years doing that. I would argue that the Tories, in this particular reincarnation that they are, are going to have a hard time holding on past your second term. I think one of the things that is going to be your downfall is this feeling the public has got that you're not listening.

You talk to the people across Ontario, and I know government members will agree—other than our party's supporters, because party supporters, the dyed-in-the-wool Tory, New Democrat, Liberal, no matter what you do in the Legislature or what you do out there, are going to support you. So we're not talking about them. I'm talking about the general public that moves its political affiliation, depending on the election. The reason most of those people are really upset at the government, and the reason you're dropping in the polls, is this whole sense that this government doesn't listen. On a number of occasions it goes off on its own without taking into account what the public's view is, and they're saying, "Oh, I don't really like that." "Some of the stuff the government does I understand had to be done," they say to me. "I kind of like that Mike goes out there and just does it, but on the other hand, oh, boy, it doesn't make me feel too good."

We had a vote in the city of Toronto, with all the various boroughs that were being amalgamated, who had referendums, over 70% of them saying, "Don't amalgamate." The government said, "Never mind that. We're going to do it anyway because we're smarter." It didn't matter if you were right or wrong. The public said no, and it's their government, and the government just went ahead and did it anyway. There's a whole bunch of examples where that has happened, issue after issue.

How do you get around that? That brings me to my favourite subject, the whole issue of parliamentary reform. I believe there needs to be voting reform. I'm one of those individuals who say that the current system of parliamentary dictatorship we have nowadays, that is based on the old British model, is old and out of date. It's a system that was designed hundreds of years ago that was meant, when it was originally set up, if you look at the history of the British parliamentary system, to give the governing classes greater say in Parliament by way of parties and give individual parties, especially those that have the biggest clout—the ear of the king, which had to be the Conservatives in those days—virtual power in the assembly.

So we have this system that's antiquated, that's old, that's passé, and we're still in this British parliamentary system in the new millennium, the 2000s.

I say we need to take a look around the world and take examples of where Parliaments have evolved into different ways of electing their members and, more important, once they've elected their members, how they operate. You can look at systems such as Germany's and New Zealand's, which I think have more interesting ways that you can elect members. They have what they call a mixed proportional representation system.

Proportional representation, before I put people to sleep, is a very simple system. In the pure form—that's Israel's—you have an election, and if 49% of the people vote for let's say the Progressive Conservatives in this case, 49% of the seats would be given to the Progressive Conservatives. Simple. Bang. You don't even vote for MPPs or MPs in that system. I would not argue that. That wouldn't work in Ontario. We have an attachment to constituencies and members, so I don't believe that the Israeli pure model would work.

But pure PR, proportional representation, is, whatever percentage of the vote a party gets, that is the number of seats they get in the Legislature. That's a simple way of explaining it. But then there are various types of models. The one that I have always preferred is a model that is closer to the German and New Zealand models that say you still have constituencies. You would have an election in the year 2003. If we were to have such a system, there would be elections in all 103 districts that we call ridings. Each party or individual candidate, if he or she is an independent, would put forth their name as a potential candidate in the election and you would have your vote. Whoever wins the riding—first past the post—wins the seat. Nothing changes.

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I happened to get 53% in my last election—fairly significant. But let's say you were to get 40% and you were the member with the most votes; you would still get the seat. The people in a constituency still directly choose who their representative is. That wouldn't change. The only difference in moving to the PR system that I would advocate, which is my preference as a model, is that we would look at the end of the election and say, "OK, now that we've elected the Legislature"—and let's say, for example, the NDP won more seats than anybody else. Let's say we come out of the next election and we've elected—I'm just going to make up a number—40 members. They would then say, "What was the percentage of the vote that the NDP got?" The NDP got 47%. They would then say 47% of the seats should belong to the NDP. They would move up the number of seats that we have in the Legislature so that our members equal 47%. They would then go to the second-place party and say to the Liberals who, let's say, were second with 38% of the vote, that they get 38% of the seats. They say, "How many members did they elect directly?" They elected 36. They get two off their list. Where do you get the list? Then they would do it for the third party; the point being, you get your direct member elected and then you get your list member based on the percentage of the vote that your party got.

How you get the members off the list is an issue that we can get into some debate on. Some people would say parties can basically nominate their list so they can bring people into the caucuses who have some specialty. For example, the party leader and the caucus apparatus would look at the end of the election and say, "Look who we have elected. We're lacking on people who are representing ... " the financial district, the labour district, the manufacturing district or whatever it might be. They go to the list and they bring those people in so they have that specialty. That's one model. Another model would be, you look at the runners-up in the election and you say, all right, if the NDP takes two people off the list, who are the MPPs who didn't get elected in the first-past-the-post system with the highest number of votes? They go one and two. That's another way you can do it. But that could be worked out by way of committee, whenever we do get to that system.

Why would it be important to go to a proportional representation system? Because you wouldn't end up in the situations we have now. What we have now is a Conservative government that got—what? You got 43% or 44% of the vote in the last election. I can't remember; it's somewhere around there. By virtue of you winning 43% of the vote, you ended up with about 60% of the seats in the House because of this antiquated British parliamentary system we have.

How could it be that 43% of electors in Ontario said, "I want Mike Harris," and they end up with a 60% majority in the House? It makes absolutely no sense. That's not what the public wanted. It's like the free trade election of Brian Mulroney. If ever there was a debate in this country where Canadians were fairly divided and there was no consensus, it was on the free trade debate. I'm not going to get into the debate and whether it was good or bad. The issue was, when we had that election, a majority of Canadians voted against free trade. Some 68%, if I remember—I think that was the number—voted in opposition to free trade. Mulroney got in the low 40s or a high 30 percentage of the vote in the general election, but because of the antiquated British parliamentary system we have, he ended up with a majority and he was able to do it. Wilfrid Laurier would have died and gone to heaven in—when was the election that he lost?—1905 or 1908, where he campaigned on basically the same issue and lost to the Borden government. This system is quirky that way. You have a party that gets 44% of the vote and gets 60% of the seats in the House. It doesn't make any sense. I argue very simply that if a party gets 44% of the vote, they should have 44% of the seats, and then the other parties should end up with the same number of seats.

**Mr Wayne Wettlaufer (Kitchener Centre):** Then the NDP would never have formed a government.

**Mr Bisson:** The members across the way say, "Nobody then would form a government." Of course you'd form governments. How do you think Germany and most of the strongest economies in Europe work? The only system that is not a proportional representation

system in Europe is England, and they're actually changing. The Parliament of Scotland and the Parliament of Wales have now been changed. As they created them, they are being made into PR systems. England itself, the mother of all Parliaments, through the Jenkins commission is looking at the whole issue of moving to PR. We are but a few of the jurisdictions out there of democracies that still have this old, antiquated British parliamentary system. So I say look at what the Europeans have done. Has Germany a weak economy today? Heck, it's the strongest economy in Europe, arguably, and they are a mixed proportional representation system. I think one of their strengths is that diversity. It's like we say in French, "Vive la différence": long live the differences. Because at the end of the day, if you can end up in a debate between Liberals, Conservatives and New Democrats—

**Ms Caroline Di Cocco (Sarnia-Lambton):** Food safety?

**Mr Bisson:** Food safety? No, I'm allowed to do whatever I want in this debate. I made my points on food safety already.

If you're able to get into a debate among all three parties on any issue, in this case food safety, and you're not able to get a clear majority in the House to vote for your bill, maybe the litmus test is the bill shouldn't pass, or there at least should be changes so that the bill is passed with a majority in the House.

I would argue that under a PR system, what would have happened with this bill is because the Tories got 44% of the vote in the last election, they'd have 44% of the seats. The Minister of Agriculture would come into the House and say, "All right, Conservative members, who's with me?" Now the dynamics have changed. Every vote in the Conservative caucus counts, and they have to take you as a backbencher seriously. What's important to your constituency had damned well better be important the Minister of Agriculture, because you're going to deliver your vote. So the ministers have to pay more attention to the backbenchers in the government. Number two is, if the minister now has all his members lined up and all of his votes in place, he now has to come to the opposition and say, "Who's prepared to support this bill?" Mr Bisson from Timmins or Mr Bartolucci from Sudbury or Mrs Di Cocco from Sarnia says, "There are a couple of issues here I want you to deal with." What do you think the Minister of Agriculture is going to do? He's got to make some changes. Hey, what a great thing. It means the public is heard. What's the weakness in that? Do you know what would happen? I would argue that we would end up passing much better legislation.

What we have in our current system is we pass, by way of rules of the House, a bill in about a week through this Legislature. That's the time it takes to go through second and third reading. But at the end of the day, I would argue that our bills are not very well thought through. A good example is what they've done on the municipal tax issue: seven pieces of legislation to fix the mess that was created with the original piece of legislation because the bill was rushed through the House



without thinking, without proper debate. Maybe we should have taken an extra couple of weeks. Maybe we should have taken a whole session to get it right, to go out and talk to the public and to canvass them.

I would argue a system of proportional representation or, as I like to call it, a system of voting reform, where we look at the issues of democracy, would better serve not only the members of this Legislature but it would certainly serve the public much better than the current system serves now.

I want to say to the government again by way of wrap-up on Bill 87, there's much in this bill that I can support. There's much in this bill that the entire NDP caucus can support. To us, what you're trying to do by way of the bill—there are a number of issues that, quite frankly, we're in agreement with. But, as I said earlier, you're trying to pass by way of this bill a piece of legislation where all the details are in the regulations. And without having the details of the regulations, we're being asked, "Trust me. It's OK—nod, nod, wink, wink—vote for the bill." I'm sorry, that's not the way it works. True democracy means to say all members of this House have to pay close attention to what's in the bill and vote accordingly. I would argue that if the government is prepared to give us the details of the regulations, they might get a little bit more support around this bill, if they really told us what they were up to in the legislation. At the very least, listen to the Ontario Federation of Agriculture, which has concerns with this bill.

1700

**The Deputy Speaker:** The member for Oak Ridges.

**Mr Frank Klees (Oak Ridges):** Thank you, Speaker. I'm sure you enjoyed the political science lecture from the member from Timmins-James Bay as much as I did. I have to say that I haven't heard him quite as reasoned and rational for a very long time. I don't disagree with a lot of what he had to say. I think, probably, if the truth be known, that many members here are frustrated with the process in this place.

When I was first elected in 1995, I had a vision of coming to this place and indeed playing a very meaningful role in helping to debate, meaningfully, issues before this House. It didn't take me very long to realize that not only were members not listening as the debate was going on, but there were few in this place, unlike now, when of course we have every member in their seat and the galleries are filled. But on most occasions, unfortunately, there are not many members here, and when they are here, there is so much more theatrics that takes place rather than reasoned deliberation and debate that it becomes frustrating I think not only to us who are in this House, who kind of get drawn into the vortex of this process, but I know that those looking on are equally frustrated with what goes on in this place.

As an example, I was in a telephone conversation with my sister, who lives in St Thomas, recently moved there from Brantford. She happened to be watching the proceedings here when her honourable member just last Thursday or two weeks ago Thursday was expelled from

this place by the Speaker for unruly behaviour. In that conversation, she expressed her frustration and said, "What's going on there? Why do you people have to conduct yourselves that way?" I was being lectured, and appropriately so. I agreed with her that this isn't how we should be conducting business here.

Quite frankly, sometimes the question is asked, "Why are there not people of higher quality and better calibre willing to put themselves forward for election?" I'm sure there are more than a number of reasons—

**Mr James J. Bradley (St Catharines):** Name names.

**Mr Klees:** —and I'm not referring now, of course, to the member for St Catharines, who is from that school of high-calibre and well-qualified and highly esteemed members. I wouldn't, of course, name names. For those people who are not qualified, the electorate has a way of somehow dealing with that over time.

But why is it that there aren't more people willing to step forward and put themselves forward for public office? I suggest that one reason might be how in fact we conduct ourselves when we are here. The question has to be asked, "Do I really give of my time? Do I sacrifice my career? Do I sacrifice the time of my family and quality of life that we would otherwise enjoy for this sometimes meaningless and frustrating process?"

I suggest that the fault lies with both sides of the House. The government, I believe, could be doing certain things that make the role of the backbencher and that make the role of cabinet ministers more meaningful. I think it's inappropriate that any piece of legislation would come before the House that doesn't have, first of all, strong support; I would say a majority, not 100%, because we'll never, ever agree on every article of any piece of legislation. But there certainly should be major support, strong majority support for legislation that is put before the House, first of all from the government side.

I've often said in discussions, whether they be in cabinet or in caucus, that if in fact there's a strong objection and we can't get a majority of caucus to support a particular proposal that's being put forward by a cabinet minister, pull it back. There has to be something wrong with it. Let's rework that legislation until such time as we have that support. Then when it comes here, I also agree that the debate that takes place, as we're debating now, should be done so; and the staff who are sitting behind the throne should be listening to what the honourable members from the opposition and the back bench here are saying, and rather than sending notes in saying, "Here is the way to dispel that particular recommendation and justify why we're doing it the way we are," why don't we make some accommodation or why don't we make some changes, whether it be to legislation or regulations, to make it the best public policy that we could possibly give the people of Ontario?

We've got some work to do, and we have a legislative committee—Speaker, you know that—that has the mandate to deal with legislative reform, parliamentary reform. I'm very interested in the work that committee is doing. I hope the members of that committee take the

opportunity they have been given by this House to deal effectively not only with the rules of procedure here but how individual members can participate in a more meaningful way in the debate.

It's embarrassing when we have visitors in the gallery, and I want to challenge you, Speaker—I know that's not appropriate for someone from here to do that, but I mean it in a poetic sense—because you have the authority, the authority is given to you, to keep order in this place. While, first of all, the responsibility is with each member of this House to conduct themselves appropriately and to refrain from unnecessary heckling so that we can't even understand each other or hear each other, let alone have the public understand what we're doing, Speaker, this is your responsibility. We as members have elected you to do this job. I would ask you—you obviously don't have to reply, but I would like you to think about it—why you allow the kinds of things to go on here that do go on from time to time that make no contribution to the legislative process, do nothing to enhance the stature of this Legislative Assembly, do nothing to add to law-making in this province. I think it rests with you to become much more assertive, relative to the rules of this place. Our standing orders don't allow for the kind of conduct that goes on here. This has somehow evolved over time, that I think the Speaker perhaps, for whatever reasons, in his wisdom has decided that this kind of jousting should be allowed to happen. I think it's not in the best interests of this place, and I would challenge you to take on that responsibility of bringing order and decorum to the Legislative Assembly.

Having said all that, I want to commend my colleague Brian Coburn, the Minister of Agriculture and Food, who introduced Bill 87 in the Legislature on June 25 of this year. I had the opportunity to listen to the Minister of Agriculture as he advocated for this kind of legislation within our caucus at the cabinet table, and I can tell you that he is an individual who takes this legislation very seriously. He has wanted to do his best as Minister of Agriculture to ensure that in this province we have a comprehensive piece of legislation that would allow for food safety with the highest standards in the world. I believe that under this legislation we will achieve that.

1710

Ontario's food is safe today and we have past governments and past administrations to thank for that. But we are living in a changing world; technology is changing. We have a responsibility to modernize our system of food inspection in this province and all that goes with it. We have a responsibility to send a signal, not only to the producers of food but to the processors and consumers as well, that we have Ontario's best interests at heart.

This legislation will do that. I know the Minister of Agriculture looks forward to wrapping up debate on this legislation later on. I'll allow him to go into further detail. I simply want to say that the previous speaker, the member for Timmins-James Bay, made reference to the fact that in his party's opinion this legislation is hollow

because it doesn't go into sufficient enough detail relative to the regulation.

So that he understands, and so that the public would understand, the generality, the larger and broader framework of this legislation, is so written by intent, and the reason is that the intention is to allow much more flexibility to deal with a changing environment and to deal with the changing technologies that we are faced with. To entrench all of the details into legislation effectively hamstringing an entire industry. It hampstrings the government from being able to deal with some of those changes that we need to be able to react to and respond to with flexibility and urgency.

We believe we have before us a very comprehensive piece of legislation that will serve the people of this province well. I commend the Minister of Agriculture for having brought it forward and trust that all members of this House will see the wisdom of giving it quick passage.

**Ms Di Cocco:** I've heard this late afternoon a number of interesting points of view regarding behaviour in the House and regarding some political science aspects of proportional representation. The member from Oak Ridges talked about a better way to conduct ourselves in the Legislature, which I have to say I am in full agreement with, in the sense of how we can conduct ourselves with more decorum and the ability to debate with what I call a depth of sincerity I think this House requires.

There are a number of members I've listened to, and sometimes during question period, as you say, and at other times it is very difficult to hear yourself think, never mind hear what the other perspective is. It's something that's been very difficult for me to get used to; I don't think I ever will.

The bill I am speaking to is Bill 87 on food safety. This was introduced in June of this year and is called the Food Safety and Quality Act. I and the Liberal caucus support all the measures that are going to ensure that Ontario's food is safe. But this bill, in my view, is somewhat meaningless and I'm going to give some reasons why.

First of all, there has been no commitment to additional provincial funding for food inspection. Safety starts first and foremost with food inspection. What has happened here is that OMAFRA's food inspection budget has been cut by 45%. These are the facts. We can use a lot of words about food safety, but sometimes the action speaks for itself. The fact that we've cut funding for food inspection by 45% means that we certainly don't walk the talk. The number of food inspectors, by the way, has been cut by 38%, even before these new responsibilities are going to be added. Ontario's food inspection service is overstretched. So we've got a need to put in more food safety and inspection services, yet we don't have funding to provide the needed resources.

Second, I think it's important to note that almost all of the important details in Bill 87 are in regulations. In other words, they don't need to come back here to be



discussed. Again, we as MPPs, as members of this Legislature, have yet to see the proposed regulations.

One of the main focuses in this bill has to do with the Edible Oil Products Act. It's going to literally, as they call it, streamline it or rescind it. To me, this is a real bombshell. I say, as I have heard in the debate, it's been slipped in on the very last page, I believe on page 38. It's to repeal the Edible Oil Products Act. The Edible Oil Products Act ensured there is no mixing or blending of oil products with dairy products. This is quite significant because we're talking about food safety.

When people go to the store and buy a pound of butter or other dairy products or cheese, you want to know that these are dairy products and they're not edible oil and that they haven't been mixed with an oil-based product. Yet this bill, if you notice it, again on page 37, repeals that. We don't know what's going to be put in its place. This position has been taken without any consultation with the dairy farmers, and I thought we were here to represent the interests of the constituents.

The other aspect is that the broad regulatory powers that we see here once again give the minister of the government broad powers. On the other hand, it makes no funding commitments as to the provisions of the bill. So I believe this is one of those bills that appears to be doing something.

I want to talk about food safety in the context of environmental safety. In my area we have the largest toxic hazardous waste site, in the middle of some prime farmland in St Clair township. I have to tell you that the incinerator there has lower standards than non-hazardous incinerators and I cannot understand why we cannot change the regulations to make it more stringent. They're not changing the regulations. The amount of toxic substance that's coming out of that incinerator affects agricultural land far and wide. I believe that not only the agricultural ministry but the environment ministry, in my view, certainly are not working together to make sure not only that our food is safe but the environment in which our food is growing is safe.

One of the aspects that troubles me greatly about the context in which this bill is brought forth is the fact that you talk about an "alternative delivery mechanism." If I'm going to interpret that by Conservative language, I believe it means privatization, downloading and dumping responsibility on to farm commodity groups. Even before these new responsibilities are placed on Ontario's food inspection staff, they are already underfunded and understaffed.

1720

I want to go back just a tiny bit in history and talk about some comments that were made by Premier Harris in 1995, during that election. He talked about "no cuts to agriculture." He also said that he wasn't going to close any hospitals. He also said there were going to be no cuts to our education system, and yet that is exactly what has happened.

Again, I'm just going to reiterate the cuts and the dramatic impact on the enforcement of Ontario's food

safety laws. In the three-year period from 1996 to 1999, there were only 18 people or corporations convicted of breaking food safety rules. So we don't seem to have the will or the man- or womanpower to enforce the rules that are there. You hear of dozens of media stories that have highlighted illegal slaughterhouses and uninspected and unhealthy meat processors.

Another important safety resource that is drastically underfunded is the animal health lab at the University of Guelph. Millions of dollars in cuts have seen the animal health lab's ability to monitor antibiotic resistance drop. It has also seen its ability to conduct surveillance on emerging animal diseases drop.

I know an incident whereby a young man consistently breaks out when he eats meat, and one of the things the doctors are looking at is that he is reacting to the antibiotics that are in the meat.

The government's response to these vital concerns has been to say that farmers and the public should rely more on farm organizations and the private sector than actually take responsibility.

These are my comments for now on this Bill 87.

**The Deputy Speaker:** Further debate?

**Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs):** I have been listening with some interest to the comments from members opposite with respect to the Food Safety and Quality Act and time allocation. Sometimes the comments stray away from the issue and get into all kinds of areas of debate.

This bill, at least from what I can gather, is something that is generally supported on all sides of the House in terms of working with our agricultural and agribusiness community to maintain our position and the recognition not only here in Ontario but beyond our boundaries that we provide safe, quality food. In order to maintain that position, that reputation and that recognition, we have to make sure that we stay on the leading edge and take advantage of some of the new technologies out there that are driven by the consumer and those of us who purchase and eat food.

Certainly we're very discriminating when it comes to the type of foods we like. That consumer initiative is not lost on the food processors and those who grow the various food products we enjoy. That drives them into new markets, new food products. In order to maintain a safe regime of inspection and quality control, we must embrace new technologies and recognize the contribution that our stakeholders, the producers, make. Since I've come to this ministry, various organizations have certainly recognized the co-operation, the interest and the dedication that the producers and food processors take in ensuring they produce safe, high-quality products for our enjoyment and our consumption.

Not only does it provide safe food for us, it opens up new opportunities in the global marketplace. That's one of the things we want to pursue not only as a province but as a country: that we open up new marketing opportunities, a wider range of products that can be put into markets beyond our boundaries in that global

marketplace so that we continue to enhance that economic growth we experienced in agriculture and agribusiness. It's a \$25-billion economic generator to us here in Ontario, and that's not by accident. That's certainly by a lot of dedicated hard work, research and development that we contribute to as a government, that the stakeholders and processors contribute to through their organizations to minimize the risk and improve the quality and market opportunities for those in agriculture and agribusiness.

It's a win-win situation for all of us in Ontario. At the end of the day, it continues to provide our consumers with safe, high-quality food at the lowest prices. Our farmers are recognized, well beyond our boundaries, as the most efficient producers, and that certainly contributes to the economic benefits we enjoy in this province.

There were some comments made across the way with respect to consultations. We spent a considerable amount of time discussing food safety. In fact, we had 11 meat and poultry consultations. As we all know in the House, those consultations provide valuable input to us as we develop the bill. We had another 16 consultations during the year 2000 in preparation for the bill. So we had input from various sectors, all corners, that have an interest in producing safe, high-quality food.

On July 20, farm organizations were invited for information sessions to receive information about this proposed legislation. Three of these information sessions took place in the last week of August.

Actually, our stakeholders have been very supportive—I've heard that from all corners of the province—of the initiatives we have taken to get the information out there and have the ability to listen. This is another step in the process. There are additional opportunities for that when the bill goes to a legislative committee and continued consultations with our stakeholders and those interested.

Current inspection systems have served us well over the years. This system was developed a number of decades ago. We all know that in the intervening years, as I indicated previously, we have had changes in our food products, a wider range of products, and new developments have taken place. That change continues, and it continues at a more rapid pace than ever before. Our consumption habits have changed dramatically. Distribution, food patterns and trade requirements constantly evolve and more persistent types of food-borne bacteria are identified. This all occurs as populations change, as companies merge, and as new products are developed.

In addition to that, new players enter the marketplace. So it follows along logically that we must improve and adapt to address the risks that accompany these changes. This legislation proposes to do just that: to give us the flexibility to be more adaptive to change in a more efficient and responsible manner.

1730

Certainly, we must ensure that everyone along the food supply chain—from the growers or producers, from farm gate to the dinner plate, all these folks—also plays their part in providing safe and high-quality food products to our consumers. Regulations have to be put in place to be able to ensure that process follows along as we expect as consumers.

Our stakeholders understand this. They accept it. They've initiated the HACCP programs on their own. They've taken their own initiative to enhance the quality of their products, and at their own expense, so it opens up new marketing opportunities. They understand that in a global marketplace they have to do this. When the bus is leaving the curb you better be on the bus or you'll stand there and you'll have missed those opportunities. We want to maintain our position in the global marketplace, and expand and be able to grow that.

We all know that we must do better. We must take advantage of the knowledge of new technologies and our desire to protect the public. But from a business sense and from a competitive point of view, it's also important that we have legislation that allows us to accommodate change and meet those challenges which follow in meeting consumer demand in the marketplace.

The stakeholders have also told us—and I think this is the most encouraging part that I've found over the course of the introduction of this bill and in our consultations—of the desire and the willingness to work with us to make sure we get it right; that we get the best possible legislation to meet those emerging challenges and changes that we have; that we take advantage of science-based initiatives so they can be implemented in a food safety system. A science-based foundation will help us take advantage of those new sciences and technology and new market opportunities that will only enhance the economic gains that we have in the agricultural business.

**The Deputy Speaker:** Further debate? The Chair recognizes the member for St Catharines.

**Mr Bradley:** I think this legislation is being speeded through too quickly.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** Speeded through?

**Mr Bradley:** Sped through too quickly, pushed through too quickly, in my view.

*Interjection.*

**Mr Bradley:** "Rammed," says my colleague from Sudbury. I think it has to be looked at in more detail. It's not a matter of simply holding it up for the sake of holding it up. I think we've got a major challenge ahead of us in terms of food safety.

I asked a question in this House on September 27 and everybody looked at me like I was out of this world. The news media had no interest in it.

*Interjection.*

**Mr Bradley:** It wasn't unusual, as my friend the minister says, except that everybody's talking about it now. You said "anthrax," you said, "smallpox," you said, "the plague," and people looked at you blankly and said,



"What's that all about?" "He's fearmongering," I heard suggested on the other side. Well, all that the American papers are talking about, all the news being talked about today, is anthrax.

**Mr Conway:** Which one have you got there?

**Mr Bradley:** Cleveland's Plain Dealer is this particular newspaper. But I want to say to you I've had a concern for some time. I said to the Liberal caucus a couple of years ago that I thought—and this was not because of tampering with food so much as it was that diseases might infiltrate the food system and the lack of adequate inspection—it was going to become a major issue. We had foot and mouth disease that made people apprehensive. We had the mad cow disease that made people apprehensive. I think there's a feeling that as we saw privatization—

**Mr John Hastings (Etobicoke North):** Ha ha.

**Mr Bradley:** —and my friend from Etobicoke North always reacts when I mention it—coming into the field of food inspection, for instance, they became apprehensive.

It seems to me that one thing that has happened as a result of the tragic events, the horrifying events, of September 11 is the fact that the public is now looking to government itself to provide more assurance. Now, that may make the ideologues on the government side—not all are ideologues; I understand that—start to be apprehensive themselves, but I can tell you that the public is looking now to government for assurance, for services, for security, for protection.

I worry about the food safety system. We have so many changes taking place in the way food is prepared and processed. I happened to agree with the Toronto Star when they did a series on the restaurants in Toronto, and I agreed with the city of Toronto when they took action against restaurants which were not preparing and presenting their food in a safe way. I think that was positive.

I think we have to have far more people inspecting far more often the food that is prepared for us. I think that governments are going to have to devote an investment to food safety, and my fear is that those resources are not going to be there.

I'm also apprehensive about placing the fox in charge of the henhouse, so to speak. In so many cases this government has privatized the supervisory system, the check and balance system, that I think is best in the hands of a government which is responsible to the people—not to a third party, not to a party which may or may not have a conflict of interest. So I say to the minister and to members of the government that while this bill moves some distance toward the protection of food safety, it moves not nearly far enough, and there is lurking in the background that issue of privatization, which can affect us all.

We know, for instance, that there is no commitment for additional provincial funding for food inspection. OMAFRA's food inspection budget has been cut, I think, by about 45%, and the number of food inspectors has

been cut 38%. Even before these new responsibilities are added, Ontario's food inspection system is overstretched.

Second, almost all the important details in Bill 87 are in regulations, and we really haven't seen those regulations. Now, the public's eyes glaze over when we talk about the minutiae of the parliamentary system. Nevertheless, the public should know that it is superior to have as much as possible contained within the legislation, which is debated in this House, and far less found in the regulatory framework, which is put in place after the legislation. We would like to see those regulations ahead of time, before we're able to pass judgment on this kind of legislation.

I think our farmers work extremely hard—I know the Minister of Agriculture would agree with me—to ensure that the food that is presented and provided to the people of Ontario and grown or produced locally is as safe as possible. Our farmers know that their reputation is on the line when this happens, when they are presenting that food for the public to purchase. I know that there are some onerous provisions for farmers in this legislation. That's why I think there is a role and responsibility for government to assist the farmers in meeting those obligations. I think our farmers benefit immensely from a very strong inspection system, so the public knows that at least the produce from Ontario, whether it's cattle, chickens or pork, or whether it's beans or wheat that is produced, that what they're getting sourced in Ontario is valuable to them and is safe to them.

I think in the background we have lurking—it's not associated with this bill but I think we have to start thinking about it, and this is most unfortunate—the issue of tampering with food. That boggles the mind, to be able to try to contemplate just what could be done with food. Again, this is an enlarged role for the Ministry of Agriculture, Food and Rural Affairs, which has been—"decimated" would be the wrong word but it's a misused word that can be applied to what has happened to the Ministry of Agriculture, Food and Rural Affairs.

I have to share some of my time with my good friend Joe Cordiano.

But we also have to make sure that we preserve the agricultural land that we have in Ontario. Right now in the Niagara Peninsula there are some municipal politicians who will not be satisfied until they've paved everything from Metropolitan Toronto to Fort Erie. Then they will think they have reached paradise.

I happen to believe that there is a strong case for preserving agricultural land where there is good soil and where there is a climate which is conducive to the production of certain kinds of food. I am keenly interested in hearing what the member for York South-Weston has to say about this matter because I know he always has compelling arguments to make about legislation before the House.

1740

**Mr Joseph Cordiano (York South-Weston):** I thank my colleague for yielding the floor. It's always difficult to follow when he speaks because he's so knowledgeable

on so many areas that challenge this House. It's always good to hear from him.

Once again we are faced with a time allocation motion from this government, and once again we shake our heads and wonder why the government has to resort to this mechanism in the House. This is an important piece of legislation. Repeatedly in the past this government has brought forward time allocation motions, and we have dealt with the very serious and challenging matters before this House. In the past this government has introduced time allocation for serious matters like the downloading question, like the amalgamation of the city of Toronto and on a number of other important bills, tax bills. This government rushed property tax bills through this House. Guess what? The government had to come back and reformulate those bills, reintroduce them into the assembly for consideration yet again because they didn't get it right.

Food safety is too important an issue to leave to a second chance. It's too important to the public interest to do that. We are concerned because the budgets have been cut and the resources are not there for OMAFRA. The budget was cut by 45%, and food inspectors were cut by 38%. This government wants us to trust it because it's going to bring in regulations which will specify how this bill will work. It's simply not good enough.

I heard earlier speakers discuss how this assembly needed to change in terms of its decorum and the conduct of the members. That may be well and good, but I think that what has eroded the stature of this assembly, if I may say so, is the fact that more and more power has been vested in the executive branch of this government, particularly this government.

I've sat through four different Premiers now who've been in power, and there has never been more of a concentration of power than has occurred under this government. I think that does a great disservice to this Legislative Assembly and to all members of this House. We should be able to debate freely. We should be able to investigate more issues. Our committee system is not functioning properly. There was a time I can recall not too long ago when we had special committees of this assembly investigating matters that were of great consequence, that needed lengthy periods of time to be examined.

We haven't seen that in quite some time, and I think it would serve this House well if we did have committees that were meaningful, that investigated bills such as this, and if we had more hearings.

**Mr Bradley:** And we had the Premier in the House.

**Mr Cordiano:** And we had the Premier in the House more often. Yes, that would help too.

But I think the committees are rubber-stamp operations now; that's largely what they've been reduced to. They are rarely given an opportunity to examine bills in their full length with enough time. The fact of the matter is that this Legislative Assembly and the private members in this Legislative Assembly are given less standing. The standing orders have been changed to

allow the government to ram bills through this Legislature. I say to members, at the end of the day that is a dangerous thing for the Ontario public, particularly when it comes to food safety, when it comes to the environment and when it comes to health care.

For the last number of weeks I've been talking about the case of certain constituents, a Mr Derango and the Oddi family, with respect to the lack of home care. Lack of home care is a serious crisis that faces this province. We've raised that issue in this assembly on a number of occasions over the past few months and over the past number of years. Yet the response we get from this government is a muted one, "Well, we've raised budgets" etc. The fact of the matter is that the demand is growing at unprecedented levels and we have a huge challenge facing the province. We should examine that. What's wrong with a special legislative committee investigating the crisis in home care?

Yet we have members of this assembly who come to this House and are willing to rubber-stamp whatever this government puts through in the form of legislation and ram it right through without enough consideration, without lengthy and serious debate, which is what is essentially required here. We diminish the stature of this assembly by allowing the executive branch to continuously erode the powers of this Legislative Assembly by bringing forward bills that require time allocation, which at the end of the day reduce and minimize our ability to examine these bills fully and in a great deal more detail. The case has been made that this government has repeatedly done that.

Previous bills, as I mentioned earlier, were put through this House and then had to be reintroduced because they weren't thought through carefully. This government has repeatedly shown itself to be inept when it has to get legislation right in areas that are crucial, I say to the government and particularly to the backbenchers of this government, because you do have some power to do something about it. You can stand up and defend the interests of the private member by not repeatedly allowing these time allocation motions to be brought forward. Where are the voices in caucus that say, "Let's have some real debate on some of these issues; let's have real debate when it comes to dealing with matters that are of a sensitive nature and in the public interest for all of our constituents"? What's wrong with having committees do more of the work, and meaningful work? That is no longer happening in this place. Repeatedly, as I said earlier, committees are nothing but rubber-stamp operations. That's a dangerous thing.

*Interjection.*

**Mr Cordiano:** That too. We should investigate what this government is doing with advertising expenditures, no doubt about it. But that is a dangerous thing for the public.

So I think it's incumbent on the government to allow adequate debate on each of these matters and to furthermore allow for these bills to go before the public in public hearings and to have public input. I think that



would help democracy in our parliamentary system. It would elevate debate and it would elevate this Legislative Assembly, and I think people would take what we do quite a bit more seriously if we took what we do quite a bit more seriously in regard to the role of private members in this House.

This is a time when people do take what government does very seriously. This is a time when people are looking to government and to Legislative Assemblies and the House of Commons for more direction and more assurance. I think it's very important that members understand that, that taking these bills and ramming them through the Legislative Assembly is not the right thing to do.

**The Deputy Speaker:** This completes the time allocated for debate.

Mrs Ecker has moved government notice of motion 59.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1750 to 1800.*

**The Deputy Speaker:** Order. Members please take their seats.

Mrs Ecker has moved government notice of motion number 59. All those in favour will please stand one at a time and be recognized by the Clerk.

Clark, Brad  
Clement, Tony  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gill, Raminder  
Harris, Michael D.  
Hastings, John

Kells, Morley  
Klees, Frank  
Marland, Margaret  
Maves, Bart  
Mazzilli, Frank  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan  
O'Toole, John

Snobelen, John  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tilson, David  
Tsubouchi, David H.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Wood, Bob  
Young, David

**The Deputy Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Bartolucci, Rick  
Bisson, Gilles  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Colle, Mike  
Conway, Sean G.  
Cordiano, Joseph

Crozier, Bruce  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hoy, Pat  
Levac, David  
Marchese, Rosario  
Martel, Shelley

Martin, Tony  
McLeod, Lyn  
McMeekin, Ted  
Parsons, Emie  
Peters, Steve  
Prue, Michael  
Ramsay, David  
Ruprecht, Tony  
Sergio, Mario  
Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 44; the nays are 30.

**The Deputy Speaker:** I declare the motion carried.

It being past 6 of the clock, this House stands adjourned until 6:45 of the clock.

*The House adjourned at 1803.*

*Evening meeting reported in volume B.*

#### Ayes

Arnott, Ted  
Baird, John R.  
Beaubien, Marcel

Hudak, Tim  
Jackson, Cameron  
Johns, Helen

Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
COMITÉ PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

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Vice-Chair / Vice-Président: Alvin Curling  
Gilles Bisson, Alvin Curling, Gerard Kennedy,  
Frank Mazzilli, Norm Miller, John R. O'Toole,  
Steve Peters, Wayne Wettlaufer  
Clerk / Greffière: Susan Sourial

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Finances et affaires économiques**

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Vice-Chair / Vice-Président: Doug Galt  
Marcel Beaubien, David Christopherson,  
Doug Galt, Ernie Hardeman, Monte Kwinter,  
John O'Toole, Gerry Phillips, Joseph Spina  
Clerk / Greffière: Susan Sourial

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Ted Chudleigh, Mike Colle, Garfield Dunlop,  
Steve Gilchrist, Dave Levac, Norm Miller,  
Michael Prue, Marilyn Mushinski  
Clerk / Greffière: Anne Stokes

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Vice-Chair / Vice-Président: Michael Gravelle  
James J. Bradley, Leona Dombrowsky, Michael Gravelle,  
Bert Johnson, Tony Martin, Frank Mazzilli,  
Jerry J. Ouellette, Bob Wood  
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Toby Barrett, Marcel Beaubien, Michael Bryant,  
Carl DeFaria, Garry J. Guzzo, Peter Kormos,  
Lyn McLeod, Tina R. Molinari  
Clerk / Greffier: Tom Prins

**Legislative Assembly / Assemblée législative**

Chair / Présidente: Margaret Marland  
Vice-Chair / Vice-Président: Julia Munro  
Ted Arnott, Marilyn Churley, Caroline Di Cocco,  
Jean-Marc Lalonde, Margaret Marland, Julia Munro,  
Jerry J. Ouellette, Joseph N. Tascona  
Clerk / Greffière: Donna Bryce

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Vice-Chair / Vice-Président: Vacant  
Bruce Crozier John Gerretsen, Raminder Gill,  
John Hastings, Shelley Martel, Bart Maves,  
Julia Munro, Richard Patten  
Clerk / Greffière: Tonia Grannum

**Regulations and private bills /  
Règlements et projets de loi d'intérêt privé**

Chair / Président: Rosario Marchese  
Vice-Chair / Vice-Président: Garfield Dunlop  
Gilles Bisson, Claudette Boyer, Garfield Dunlop,  
Raminder Gill, Pat Hoy, Morley Kells,  
Rosario Marchese, Ted McMeekin, Bill Murdoch,  
Wayne Wettlaufer  
Clerk / Greffier: Douglas Arnott

**Alternative fuel sources /  
Sources de carburants de remplacement**

Chair / Président: Doug Galt  
Vice-Chair / Vice-Présidente: Marie Bountrogianni  
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug  
Galt, Steve Gilchrist, John Hastings,  
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons  
Clerk / Greffière: Tonia Grannum



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of Ontario**

Second Session, 37<sup>th</sup> Parliament

**Assemblée législative  
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Deuxième session, 37<sup>e</sup> législature

**Official Report  
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**Monday 15 October 2001**

**Lundi 15 octobre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 15 October 2001

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 15 octobre 2001

*The House met at 1845.*

## ORDERS OF THE DAY

### VITAL STATISTICS STATUTE LAW AMENDMENT ACT (SECURITY OF DOCUMENTS), 2001 LOI DE 2001 MODIFIANT DES LOIS EN CE QUI CONCERNE LES STATISTIQUES DE L'ÉTAT CIVIL (SÉCURITÉ DES DOCUMENTS)

Mr Sterling moved second reading of the following bill:

Bill 109, An Act to enhance the security of vital statistics documents and to provide for certain administrative changes to the vital statistics registration system /  
Projet de loi 109, Loi visant à accroître la sécurité des documents de l'état civil et prévoyant certaines modifications administratives au système d'enregistrement des statistiques de l'état civil.

**The Acting Speaker (Mr Bert Johnson):** The Chair recognizes the minister from Lanark-Carleton for leadoff.

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** I will be sharing my time with the member for Brampton Centre, Joe Spina, and the member for Simcoe North, Garfield Dunlop.

Bill 109 amends our Vital Statistics Act. I'm going to talk tonight not only about Bill 109 but about some of the other things my ministry will be doing with regard to revamping the vital statistics process as well as altering the legislation we're talking about tonight. I don't think we could talk about one without the other.

When we're talking about the Vital Statistics Act, we're talking about the registration of births and obtaining birth certificates, we're talking about the registration of marriages and marriage certificates and we're talking about death and death certificates.

Essentially the process which we have in Ontario has been in existence a long time. In fact, the process we have here in Ontario is very similar to other processes that we have in the other nine provinces and three territories, and it's quite similar to the processes which many of the states in the United States have as well. We thought it was about time we looked at the process.

Back in the fall of 2000, prior to the time when I became the Minister of Consumer and Business Services,

which this bill falls under, we thought we would ask the Ontario Provincial Police to come in and do an audit on our system to find out whether or not fraud could enter into the system and how easy it was for people to obtain a birth certificate under false pretenses. The OPP came forward with 91 different recommendations, and to date we have implemented 59 of those recommendations. We have been working on a number of the other ones which didn't require legislative change, and about 20 of those recommendations related to legislative change, which we're debating and talking about tonight.

This amendment of this particular act I hope will not become a hot political debate. It doesn't need to become a hot political debate. I want to say to the opposition that I am open for reasonable amendment. If they want to come forward with constructive ideas about how we can make this a better law, I have an open ear with respect to their suggestions.

## 1850

The whole notion of this bill is that it shouldn't be that controversial, save and except where there are some considerations where we may differ in opinion. All the members on the government side may not be on one side and the opposition on the other. The balance we are trying to strike between making requirements, supplying information and allowing people within the system to share that information is very important in terms of the privacy context, because that of course is the other balance: how much privacy we have as individuals versus how much information we give to an official of the government and how far we let that official of the government share that information.

Some of the new measures we're introducing that are contained within this act: we will limit the number of certificates a person can obtain and the certified copies of registration that can be issued to a person in Ontario.

At the present time, oddly enough, we do not limit the number of birth certificates or copies of birth certificates that an individual can receive from the registrar general. As you know, we are very much a multicultural society in Ontario and are proud of that fact. Some cultures would order as many as, I'm told, 15, 25 or 50 birth certificates and distribute those to their relatives and friends as a celebration of a child on his first or second birthday etc.

We have overcome that particular issue by allowing, in addition to the one valid birth certificate you might have, people to apply for what they call a commemorative birth certificate. I applied for one of those for my



granddaughter Tierney Sterling, for her to have on the wall a picture of her birth certificate. It's kind of special for me, and I hope for her in the long run, because it has as the registrar Norman Sterling, her grandpa. We have allowed traditions of cultures to continue on and they can obtain these commemorative birth certificates, but we are saying that each individual is entitled to only one birth certificate.

Birth certificates have become very important in our province because out of those birth certificates emanates the right to other kinds of enhancements and entitlements. For instance, if you're going to get your provincial health card, one of the documents you are asked for is your birth certificate. It is in the interests of our government and in the interests of the federal government that there be in fact only one birth certificate out there which represents the registration of the birth of this particular individual. We believe that by having only one legal birth certificate in the hands of, hopefully, the individual or the parent of the individual to whom this relates, we will do away with a lot of the potential for fraud.

I might add, notwithstanding September 11, which in some way speeded up this reform, I might characterize this reform as having been 80% in the jar. The last 20% came quicker as a result of September 11 occurring and all of us trying to contribute, including the provincial government, to try and tighten down the system to allow authorities to have a better picture of who people are when asked for identity, when they're either receiving a health card or whatever.

The act includes a provision that the registrar general does have the authority to issue more than one birth certificate in the odd circumstance. The circumstance that was described to me by my staff was where you would have a child whose parents had unfortunately separated and there was shared custody. Therefore, there was a requirement, where they were in two different jurisdictions, for instance, that there be two birth certificates for a young child or a minor. We allow the registrar the discretion in those kinds of situations, and that will be dealt with in a very limited situation.

One of the major parts of this legislation will be that when a new certificate is applied for, we will be able to cancel all of the old certificates or any previous certificates. At the present time we haven't been doing that, because the entitlement has been for more than one birth certificate. So we will have to revamp our technical systems, our information systems, to allow us to do that. We will be keeping track of the fact that Norman Sterling has one birth certificate, the number is XYZ, and if I apply for another one, then the original birth certificate will be taken off the record.

This legislation provides an obligation for people to report a lost, stolen or destroyed birth certificate to the registrar general. If they come into possession of that lost or stolen birth certificate, then they should return it to the registrar general. They will be able to do that either

directly to the registrar general or by returning it to the police.

Basically this particular provision was put into the legislation in order to provide, for instance, a lost and found service in the Eaton Centre. It will say to the lost and found service in the Eaton Centre, "If you find a birth certificate, within a period of time"—I believe the legislation says 48 hours—"you will return it to the registrar general." So it puts an obligation on the person who would be running that centre to return that lost birth certificate to the registrar general. This is important for us to be able to keep in control of the overall situation.

I want to say to anybody who should happen to be listening this evening—and I know it's before Monday night football. It's not 9 o'clock yet, it's still 7 o'clock, so they might be tuned in. I see my assistant, Ryan Bailey, winking at me because he's going to tune in.

**Mr Garfield Dunlop (Simcoe North):** There's a World Series game on too, Norm.

**1900**

**Hon Mr Sterling:** There's a World Series game on too, but I know that many people, particularly in Lanark-Carleton, are still tuned in.

The idea of the birth certificate is not to use it as a form of identification and carry it in your wallet. We would like people to treat their birth certificate as a very important document which they would take out at very key times, use it when they had to use it, but then return it to a safe place. That way the incidence of losing these documents would be far less, and it would be much easier and better for the system that in fact they would be treated this way.

A funny thing happened back in 1982. At that time—and I have had many requests from various people, including my cabinet colleagues, quite frankly, when this topic came up and we were talking about it. They asked me to reintroduce the laminated birth certificate. I know as a convenience that is very good, but we went from a laminated birth certificate in 1982 to a paper birth certificate for a very cogent reason, and that was presented particularly by the police. The fact of the matter was that we put the paper birth certificate in place because it was far less easy to forge than the laminated birth certificate we had before. The second reason they put forward was that there was less likelihood that a person would carry around in their wallet the paper birth certificate rather than the laminated one. That's the reasoning that goes behind that particular move way back in 1982.

This legislation does not change the form of the birth certificate. The birth certificate as it was shall be in the future, unless there is some decision by the registrar general that it should be something else than it is.

One of the real drawbacks of the existing legislation as we now have it is that there is very little reason for the police to prosecute someone who is trying to obtain under false pretences a birth certificate of someone else. I think the fine under the present legislation is something like \$1,000 if you're found guilty of this offence. This act dramatically increases that fine to \$50,000 for an

individual and I think something like \$200,000 for a corporation. As well, the individual would be subject to imprisonment for up to a period of up to two years. I think this shows where we have come from and where we are going in terms of the seriousness of someone trying to obtain a false birth certificate under our present system. I think it will encourage the police, when an offence occurs, to take action.

Outside of this legislation, as I announced when I introduced this legislation last Thursday, we are asking—in addition to an application form which is signed by the applicant and the applicant has to present certain information—in a similar vein to what is required when an individual applies for a passport, that a guarantor also sign a statement that they have known this individual who is applying for a birth certificate for a period of at least two years and that they know the statements that are signed on the application are true to the best of their knowledge. We have paralleled the people who can sign these guarantees with those who are allowed to guarantee at the passport office.

Mr Speaker, I have been in your constituency office down in Stratford and I have to tell you that I know you have a lot of people who visit you in your constituency office, because you have one of the nicest constituency offices I have ever seen.

*Interjection.*

**Hon Mr Sterling:** Well, nearly one of the nicest constituency offices that I have seen in this province. But, Mr Speaker, you must do a lot of constituency work there, because it is a nice office and when I went through there were a lot of people in the office seeking your advice and help. We're going to have a lot of questions in our constituency offices as to how to help people out with regard to getting birth certificates and getting access to birth certificates, as we have in the past. I think we can help out during this period of change in a very significant way. But we also have to understand that this is a serious document, this is an important document, and we can't deal with it in a willy-nilly fashion.

Some examples of a guarantor: you can have a dentist; a medical doctor; a nurse; a chiropractor; a judge; a justice of the peace; a police officer, either a municipal police officer or a provincial police officer; a lawyer; a mayor; a professional engineer; an MPP, as long as they have had some knowledge of the fact that this is the individual they're swearing they know. Part of the balances and checks of the system is that someone in the registrar general's office phones some of these guarantors and applicants on a regular basis, and that will be done.

I have talked about some of the increased fines, the whole notion that this government is treating the sanctity of the issuance of the birth certificates in a much more serious manner.

One of the other matters that I want to raise which is not contained in this legislation is that there is a section in the legislation which allows for us to go through this next step, and that is the registrations of original births. At the present time we have what I would describe as a

rather awkward registration of newborn babies in our province. What a mom or dad or the family has to do is get proof at the hospital and then they go to what we call a deputy registrar, and we have a deputy registrar in each municipality. They go to that office, and in some cases they pay a fee. It varies right across this province. In some cases you don't have to pay a fee to the municipality in order to register your newborn at the registrar general's office.

We are concerned with the fact that there's a financial disincentive to register the birth of some children. As a matter of fact, in some cases we don't have the newborns registered with the registrar general because there is a financial disincentive. If they've got to pay a fee, they're not going to register. We intend on changing that in the not-too-distant future. What will happen is that it will be the mom and the dad and the doctor in the hospital who will register the child with the registrar general, and we will be cutting out that middleman or the deputy registrar at the municipal level. We believe this will lead to a more complete registration system in the province and will act to the betterment of our whole system in that we will have more accurate registration records.

On the numbers, we have in our province about 150,000 original registrations. As I said on Thursday, October 11, when I introduced this bill, it happened to be really a momentous occasion for me, not because I was introducing this bill—you know I've been in this Legislature for some period of time. In fact, I think you said, Mr Speaker, that I've been here too long. But forever is not too long, I guess.

**1910**

October 11 was a special day for me because I happened to have a new registrant coming under my system as Minister of Consumer and Business Services, my beautiful new granddaughter, Madeleine Robert. I hope Hansard will spell that correctly tonight, because I think I gave them the wrong spelling before, and therefore Grandpa will be somewhat disciplined.

I believe this is a matter which is in the interests of all members of this Legislature. I must say that the opposition haven't had the opportunity to caucus this, because it was introduced last Thursday. It's a little unusual for us to bring forward a piece of legislation for debate before the opposition caucuses have the opportunity to consider the legislation. But I have talked to some of the members opposite and I believe they're quite willing to work co-operatively on this. I think they see it as an opportunity to work together. As I've said before, I'm quite willing to listen to reasoned amendments and hope that we can work together to get the best possible registration system in North America.

As I've said before in this Legislature, there has been really no evidence that the system has been badly abused, that we know of. But in the new troubled times that we face at the present time, I think we have to be ever vigilant and we have to want to improve and bring the technology in to the Vital Statistics Act and the vital statistics area so that we can have better information



going in, so that we can predict or talk about what we want to do in the future for the people of Ontario. Therefore, I urge all members to look at this in a positive vein, as I have, and I hope that in the end they will support this piece of legislation.

**The Acting Speaker:** Further debate?

**Mr Joseph Spina (Brampton Centre):** I'm very pleased to be following my minister in his introduction of the debate on this particular bill. On September 11, Ontario and the world witnessed an event which no one could have imagined and, even less, foreseen. We all looked on, shocked by the magnitude of the violence and in disbelief of the depth of hatred and fanaticism that these actions implied as the terrorists' attack killed thousands of defenceless victims, men and women from more than 50 countries. This premeditated murder, which was carried out on a sickeningly massive scale, was not only an attack against our close friend and partner, the United States, but also against the values of all free, civilized people around the world.

There are dates that define a generation, indeed define an era. In good or in evil, these dates carry memories of extraordinary endeavours or of despicable acts. We all remember some of the dates that mark a lifetime: December 7, 1941; November 11, 1918 and 1945. I'll give you two more such examples of dates, one good, the other evil. In July 1969, mankind's creativity, mankind's thirst for knowledge, for scientific capabilities, excitement about discovery and technology, allowed a few men to walk on the moon. It marked the beginning of an era of boundless imaginings for the use of technology. On September 11, 2001, the unexplainable power of fanaticism and hatred allowed terrorists with demented imaginings to commandeer modern civilian technology and use it to kill, to maim and to destroy thousands of lives, lives of men and women who could have been, and in some cases were, our neighbours, our friends and our family.

This event has indeed changed the world. It has destroyed a part of innocence that we took for granted. It has also changed the way we look at the theft of people's identities. Until September 11, identity theft was seen as an economic crime, a consumer crime. Since then, it has been seen as an open door to commit unspeakable crimes of the vilest nature.

We all wish that the tragic events of September 11 had not happened, but it is not possible to go back in time. We learned a lesson that day. We learned a lesson that sometimes we have to see that in societies such as ours protection and control of vital documents should and must be stronger. While we have no specific evidence that Ontario vital documents have been misused to assist in any acts of terror, our government has decided to move quickly to increase that security. Not acting quickly would be dangerous and it leaves the door open to identity theft.

It has been said by some that the measures governments in democratic societies around the world need to take to respond to this terrorist act will put them in a quandary, that it will be a clash between individual rights

and freedom and individual security and safety. It does not need to be so. Since we were elected in 1995, this government's work has strived to be fair and balanced. The legislation that our government has introduced to protect Ontarians' rights and freedoms also protects Ontarians' privacy, and that is paramount. The legislation the government has introduced balances all these elements.

Three principles guide this legislation. First, it would protect the security of vital documents to aid in the protection of the people of Ontario, and those beyond the provincial borders, from physical harm, from terrorism and from fraud. Second, it would improve customer service through the introduction of new methods of processing identification documentation at the Office of the Registrar General. Third, it would increase government efficiency.

The legislation would provide the necessary security measures for the issuance of vital documents, and it would also protect the privacy of personal information and support better security of persons.

What principles guide this bill, we might ask? The principles are that Ontarians must, first and foremost, be protected; it is their right. But privacy must be balanced against a competing interest: public safety. In the past, there have always been situations where personal privacy has given way to legitimate law enforcement and public safety concerns. The unprecedented terrorist attacks that we have witnessed recently changed our understanding of what constitutes realistic threats to public safety.

The Ministry of Consumer and Business Services started a security overhaul and implemented the recommendations of an OPP security audit long before the terrible events of September 11. Last year MCBS asked the OPP to conduct a security review of the Office of the Registrar General and had already acted on many of those recommendations. In fact, of the 94 recommendations suggested by the Ontario Provincial Police audit, 59 changes have already been implemented. The remaining 35 changes will now be implemented with this new legislation and some new, even better, more modern technological tools to make it effective.

**1920**

We have heard the honourable Minister of Consumer and Business Services tell us of one of the main sections of this legislation: the legislation would limit to one, I repeat, it would limit to one the number of birth certificates and certified copies issued to Ontarians. The unbelievable question is why more than one was issued in the past; for what reason or reasons, we have no idea. But this is a fundamental piece of identification that is the key, the springboard, the doorway to getting all other kinds of documentation that assist us in moving through our everyday life.

This legislation would also significantly increase fines for individuals and corporations that misuse vital documents. All will agree that it is difficult to put a price on safety and security. Given the value of vital documents, we want the maximum fine to reflect the level of care

that consumers must take with these documents, but we recognize that not all situations will result in charges being laid or in maximum fines. Under this legislation, every person who wilfully makes a false statement on an application for a birth certificate will be liable to a fine of up to \$50,000 and/or imprisonment for up to two years less a day. I will repeat that for the benefit of the public. Under this legislation, every person who wilfully makes a false statement on an application for a birth certificate or a replacement would be liable to a fine of up to \$50,000 and/or to imprisonment for up to two years less a day. This is fraud. Why should the penalty not reflect that?

Also, every person who wilfully registers a birth or other vital event that did not occur in Ontario can be fined up to \$50,000 or receive a jail term of up to two years less a day or both. The previous fines ranged from what is by today's standards a piddly \$100 to a maximum of—wow—\$2,000. Given the value of these vital documents, like birth certificates, the increased fine must and does reflect their importance. We have to keep in mind that \$50,000 is the maximum fine, and not all situations would necessarily result in charges being laid or in maximum fines. Of course, it's up to the judge to determine the severity of the crime. There would no doubt be different types of situations, but we want to state the value of vital documents, and therefore fines must reflect the level of care that consumers must take with these documents.

As I said, a birth certificate can be, and is, the key to the lock of getting all other documentation: passports, drivers' licences, outdoor cards, proof-of-age cards that young people might be able to get under the LCBO and any other documentation that would be needed, or verification of birth, age or origin which determines who you are.

The events of September 11 are forcing us to take a long look at what we thought was the ideal balance between public safety and privacy protection. In view of those terrible events of September 11, we can now say that there is a legitimate need for increased monitoring and control of the issuance and veracity of vital documents to address new threats to public safety. Not to take these appropriate measures would be to remain blind to the realities of September 11.

We know we have entered into a new era, where the inconceivable is now a potential reality if we do not implement security measures. Many of our parents and grandparents and some few in this House will remember the security precautions that were needed and necessary as we entered the First World War and, in fact what is more recent, the Second World War. It was important to maintain security for the safety of our people. We went through an era, through the Second World War, particularly, which would be fresher in the minds of some people today who are still alive and remember those terrible years so vividly—how important security was for the protection of our people. I think because of the measures that were taken during the war, we were very

fortunate that very few or no specific activities of war took place on our continent or indeed in our country.

But it's a different world. It's a different world, because it's a world where people use false identities to develop methodologies and to develop access to use commonly used, everyday, once-thought-safe technology as a weapon against innocent people to fuel the desire of fanaticism and hate.

I just arrived at 5:45 this evening on a plane from Thunder Bay, and I can tell you there was an interesting feeling in the bottom of my stomach as that plane circled Toronto and made its appropriate entrance to Pearson airport. I thought about September 11, I thought about the people in our province and I thought about what we as a government, collectively—from not just the government side but from the opposition side—are doing together to try to make it a better and a safer place for us and for our children and for people who are just innocently going about their business, going to work, trying to raise a family and make a living and have a comfortable life, and how that could be endangered.

So I say it is imperative that when suspicious situations arise, the registrar general be given the authority to verify that a vital document is not being misused. To this end, the registrar general needs to share information with law enforcement agencies in order to detect and monitor potential threats to public safety.

Birth certificates are foundation documents relied on by other governments and law enforcement agencies to establish proof of age, to establish citizenship and identity and are one of the documents required to cross the famous undefended border, the Canada-US border. It's a document that's used to obtain a social insurance number and a passport.

I'm sure every member of this House agrees that the fundamental rights to security and freedom start with the assurance that people are who they say they are. The government needs to give top priority to improvements that will significantly strengthen the security of birth certificates and provide better tools for preventing and detecting fraud.

The government not only wants to protect the security of all Ontarians, we must protect the security of all Ontarians. We must crack down on identity theft. We must adopt these new security measures to protect Ontarians and their families and to see that Ontario remains one of the safest jurisdictions in the world. Citizens of the province deserve no less from their government.

#### 1930

The technology, the systems, the processes that we are looking to introduce with this legislation will make us the front-runner, the absolute leader in western society, I believe, in fact, in the security of a fundamental document. These new security measures we propose for the issuance of these certificates are necessary to protect Ontario, to protect the people of this province and their families against theft and other criminal activity.



Most of these changes have been in the works for a while. A security audit undertaken last year prompted the implementation of many security measures. We are simply accelerating the remaining measures. These security provisions include the following: Ontarians will be obliged to report lost, stolen or destroyed birth certificates; lost, stolen or destroyed certificates would be deactivated and documented as a deactivated certificate; information on deactivated documents would be shared with other government identity programs such as the federal passport office; fines will significantly increase for willfully providing false information when applying for vital documents; and Ontarians would only be issued one birth certificate at any one time. It's only common sense.

These measures will help Ontarians better understand the value of vital documents. Together, these measures will increase awareness of the value of a birth certificate as an important foundation document. They will reduce the number of documents in circulation. They will prevent individuals from obtaining multiple birth certificates which could be used to facilitate identity fraud. I have to tell you, when I found out that people could get multiple birth certificates, I was astounded. I was astounded that any government of any stripe would allow this to take place. But now we must, and have begun to, correct this. We began before September 11, as I said, as a result of the implementation of the elements of the OPP audit that took place last year.

We recognize that these changes mean customers may experience some delays and inconvenience in obtaining their birth certificates, but checks and controls are necessary to avoid birth certificates falling into the wrong hands. Every government is learning that new information technology creates new concerns about privacy, but it can be protected when it's treated as a broad public concern.

The balance between security and privacy has never been static, shifting in favour of security when faced with significant threats. Our role as legislators is to ensure that any rebalancing between law enforcement activities and privacy is done in a measured, considered fashion, after analysis and reflection.

We've reacted emotionally to the scene of destruction this past month, but we must respond rationally, but quickly, for the protection of vital documents with this bill.

Just as most people are willing to put up with longer lineups at airport check-ins and border crossings and accept more detailed searches of their luggage, I'm confident that Ontarians will agree that the registrar general must have the authority to verify that birth certificates are not being misused. We know Ontarians will accept these control measures for public safety reasons.

We must protect our civil liberties and keep in mind that the security measures necessary to address an extraordinary threat to our community will be done in a manner that does respect privacy and individual rights. To do otherwise would defeat the purpose of fighting to preserve the values we hold dear in our democracy.

This legislation will improve service so that Ontarians can register, and get proof of registration for, the most important events in their lives in a secure and reliable manner to avoid identity theft, to increase the validity of the data and to make it safer for us, for our children and for our brothers and sisters in our neighbourhoods and in our province.

**Mr Dunlop:** I appreciate the opportunity to say a few words here tonight. First, I want to congratulate Minister Sterling for bringing forth this legislation, Bill 109, the Vital Statistics Statute Law Amendment Act, 2001. I want to congratulate him on the legislation and I also want to congratulate him on the birth of his new granddaughter on October 11. I know it's a very special feeling and Minister Sterling, who has been the longest-serving member of our caucus, is certainly to be congratulated for his efforts.

As well, I'd like to congratulate and thank his parliamentary assistant, Mr Spina, who just arrived from Thunder Bay, for his words on this particular bill. Mr Spina did mention a few special days, and before I get right into a few comments on the legislation, I would like to say something on special days that we as Canadians and citizens of the world have recognized in our past. I know September 11 is one of the days that all of us will remember for as long as we live.

But I also think, in my life, of being a public school student and listening on the days that John F. Kennedy, Martin Luther King and Senator Robert Kennedy were assassinated. I know those are all special days, but there are also days like the day that Elvis Presley died and the day that John Lennon was assassinated that stick in our minds as well. But as far as I'm concerned, none will be remembered as being as bad as September 11.

On October 1, our Premier delivered to the people of this province a message of hope and action. His message stated that the events of September 11 were devastating tragedies, but that the people of Ontario responded generously, lending heartfelt support to those who suffered sorrow and pain.

It doesn't matter where you go across our province right now, or even across our country, everyone is talking about the events of September 11 and communities are fundraising. I was in a little convenience store the other day, I think it was a Chicken Villa. They had the fundraising cans out and people were donating pennies and change they had left over from their purchases.

Also, we've seen a great number of Ontarians visit ground zero in New York City, who have gone along and contributed in any way they can. In Orillia some people from our Salvation Army visited the operation down there; in fact, I believe they're right there now.

The Premier that day thanked everyone who had reached out with condolences, who had donated blood, who gave money or who found other ways to help the victims and families of these terrorist acts. The Premier stated that the government already had taken action to protect its province, its people and its economy.

I think you'll remember the day, September 24, here in the House when we reconvened from the summer, which was certainly one of my proudest days as a member of this Legislature, when we actually, in a non-partisan way, all talked about the tragedy of September 11. I believe that day Commissioner Boniface from the OPP and some of her representatives were here as well to add a sense of security to the whole issue.

The government acted on this promise last week, as the Minister of Consumer and Business Services introduced the Vital Statistics Statute Law Amendment Act, 2001. We all have pride and confidence in the people of Ontario, in their compassion for others, their courage and in their entrepreneurial spirit. Today, as we debate this legislation, we should keep in mind that these measures are brought before this House for the sake of protecting our people and for the sake of protecting our economy.

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Ontario's economy is strong and its foundations are solid. Today, thanks to the decisions this government has made since it was elected in 1995, the province is in a better shape to weather a period of economic uncertainty than it has ever been before. Ontario is a safe place to live. When it comes to jobs, safety and the economy, the government knows there is always more it can do.

Ontario wants to protect its people. Ontario wants to continue to boost trade and develop economic growth. Of course, our greatest trading partners are our friends to the south, the United States of America, who have suffered this world tragedy. We do not want to see Ontarians wasting productive time to obtain vital documents. At the same time, we want them to feel secure in the knowledge that nobody, other than ourselves, will obtain and carry a birth certificate bearing their name, age and place of birth.

To add another layer of security to the issuance of vital statistic documents, the legislation contains one important change: the requirements for a guarantor. A guarantor is a person who has known the applicant personally for at least two years and is confident that the statements made by the applicant are true. The guarantor must be a Canadian citizen, who must be available in the event that further confirmation is required by the Office of the Registrar General. The list of potential guarantors parallels the list of guarantors used to obtain a passport. A guarantor adds another layer of security to the personal identification documentation process. The guarantor must be a member of a specific profession: a dentist, a medical doctor, a nurse, a chiropractor, a judge, a justice of the peace, a police officer—and that can be a municipal or provincial or an RCMP officer—a lawyer, a mayor, a minister of religion authorized under the Ontario provincial law to perform marriages, a notary public, an optometrist, a pharmacist, a principal of primary or secondary school, a professional accountant, a professional engineer, a senior administrator in a community college, a senior administrator or teacher in a university, a signing officer of a bank, caisse d'économie, caisse populaire, credit union or trust company, or a veterinarian.

This legislation implements security measures necessary to protect the integrity of vital documents. It also contains complementary amendments to regulation-making powers. We know that many people carry their birth certificates in their wallets, and all of the time. It is time to strongly advise against this practice. People should keep their vital documents in a safe place and only carry them when they are needed for travel, to make application for a passport or for some other very important activity. These amendments will give the registrar general regulation-making authority for all new prescribed items.

The registrar general shall cancel certificates and certified copies of registrations that have been reported lost, stolen, destroyed, found or received. He or she may cancel any other certificate or certified copy where he or she, in his or her discretion, is of the opinion that it is appropriate to do so. This legislation allows the registrar general to prescribe other persons who must comply with secrecy provisions under subsection 53(1) which states: "No division registrar, sub-registrar, funeral director or person employed in the service of His or Her Majesty or prescribed person shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this act, or allow any such person to inspect or have access to any records containing information obtained under this act."

Finally, this legislation recognizes the seriousness of the offences relative to the importance of birth certificates as foundation documents. Every person who neglects or fails to give any notice or to register or to furnish any statement, certificate or particulars respecting the birth, marriage, death, stillbirth, adoption or change of name of any person under this act is guilty of an offence and of a conviction and is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation.

These changes are reasonable and prudent. Until today, Ontario has carried out the registration of births, stillbirths, deaths, marriages, adoptions and name changes in much the same way as it has for the past 150 years. These methods may have been right for the times in 1875, when the population of Ontario was about a tenth of what it is today, but they are not the most efficient or secure way of doing business in the year 2001. This legislation will modernize the way Ontario processes registrations for vital events; it will not change the events.

The new security measures we propose for the issuance of birth certificates are necessary to protect Ontarians and their families against identity theft and other criminal activities. We can afford no less than to enact the best protection possible to enhance the security of Ontarians.

The terrorist attacks that occurred on September 11, 2001, are events that no one among us could ever have anticipated or imagined. The unthinkable has happened and its memory will remain with us forever. The government has a duty to protect its citizens and their freedom.



It also has a duty to protect their rights and make sure the foundations of their economic well-being remain very solid. With this bill, the government of Ontario is responding to its responsibilities on all fronts.

In closing, I want to say again that I'm very pleased to take part in this debate this evening. I know that September 11 will hang over us forever. It has changed our way of life forever. This legislation is just one small way we can help to improve the security and efficiency in the way the government operates.

I'm pleased to support this legislation, and I hope all members of this House will take the opportunity to support this legislation as well.

**The Acting Speaker:** Comments and questions?

**Mr Mario Sergio (York West):** We are dealing with Bill 109, which deals with vital statistics. Obtaining a birth certificate is one of those many vital statistics we are looking at.

I'm pleased, in a way, that the government has recognized that there was a loophole. Unfortunately, it took what it took to bring the government to its senses and introduce legislation with respect to obtaining birth certificates.

Unfortunately, there are many other areas that I think the government should be looking at. I hope going after the wrong people is not going to be one of those.

There is a feeling out there. As a matter of fact, this morning I was having a coffee in one of my usual coffee shops in my own York West area.

**Interjection:** Espresso.

**Mr Sergio:** Yes, I was having an espresso and someone who knows me approached me and said, "I have lost my citizenship card and we are worried. We are afraid to approach to have a new one considering what is going on and that I come from one of the Middle Eastern countries." This is the fear into which we have now thrown our community when it comes to obtaining one of these so-called vital statistics.

I hope this is not the impression the government and we in this House are trying to portray to our people out there. Yes, indeed, there was a big loophole there. I think it's important that we take care of that. I think there are many areas the government should be looking at to make sure there are no legal loopholes in there. But as well, I think we have to assure our community that we will not go after the wrong people for the wrong reason.

I think it's a good move on behalf of the government to bring this particular bill at this particular time and I hope this will be one of the areas that not only us but the government will be taking into consideration when dealing with other vital statistics.

**The Acting Speaker:** Comments and questions? The member for Beaches-East York.

**Interjection.**

**Mr Michael Prue (Beaches-East York):** I don't know. I don't think I look like him.

The issue of birth certificates is of course a very vital and important issue and I listened with some interest to the speakers. This is long overdue and, although I cannot

speak for the entire caucus, I am speaking on my own behalf that this is a long overdue measure and all members of the House should be supporting it.

But they should not be doing it just because of September 11. Although that was a very important and tragic day in the history of North America and I guess of the world, the reality is that birth certificates for too long have been too easy to get..

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If I get a chance to speak later on, which I intend to do, I'd like to talk about the misuse that people have made of birth certificates in the past. They have been misused at immigration, at ports of entry, for applying for passports. They have long been out of favour for government officials when looking for identity documents. It's one of the documents, in fact, that many government officials will not look at individually or by themselves.

I commend the minister and I commend the members who have spoken on this issue, but I would say that there are many amendments that need to be made, not only to make this stronger legislation, but there are some additional loopholes and some hurdles that must be overtaken in order for this bill to adequately reflect the values of the people of Ontario and to make sure that they continue to be accessible for those Ontarians, for those Canadians, who require the document. I hope to be able to do that in my speech.

**The Acting Speaker:** Questions and comments?

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):**

I'd like to respond to the three government members: Minister Sterling, the member from Brampton Centre and the member from Simcoe North; Mr O'Toole as well.

Birth certificates of course are used much in our society today. They're used to obtain passports. They're used when we travel to other countries, specifically the United States and some of the Caribbean countries. They're used in the place of passports. They're used to obtain a social insurance number. They're used for all kinds of things.

I must confess, when the minister first told us that it's 130 years since this legislation has been amended substantially—that's quite a remarkable period of time, considering what we use these certificates for. I don't think the minister planned this after—maybe he said he would, but I don't think he planned it after the September 11 event. But it's timely. We are now worried about our security. We're worried about all kinds of things. We're worried about the allegations that thousands of people are in this country illegally and how easy it is for those people to get birth certificates, duplicate birth certificates that are sold. I think the legislation, although it may not have been planned until after September 11, is certainly most timely.

The topic of guarantors was an interesting topic that the minister had in his speech. I know that is used for passports, when guarantors or people vouch that an individual is who they say they are. The government will audit that from time to time and spot-check. Telephone calls are made to those people as to whether the people

who allegedly signed those applications for passports are who they say they are.

The same thing is being done for birth certificates. So I congratulate the minister for bringing this forward.

**Ms Caroline Di Cocco (Sarnia-Lambton):** It's a pleasure to rise on Bill 109. I have to say I'm pleased that the Minister of Consumer and Business Services, after Dalton McGuinty raised the issue in the House a couple of times, acted so quickly to get this bill forward, because I think in these times we have to try to close the loopholes as we find them in our security for this province.

I would like the minister, though, to consider a couple of items that may be a real obstacle in this application. As you know, in the application you're required to give your birth weight as well as the doctor who was present at birth. I had a person who came to me who happens to be adopted, for instance. Her fear is that if she loses her birth certificate, she doesn't have these details. She doesn't know what her weight was, or maybe she doesn't know who the doctor was who was there. Unfortunately, the application asks for that specific information. As I said, oftentimes it's OK for children who are born now, but for some of the older children whose parents are deceased or whose medical doctor is not there, it may be an obstacle. It's a suggestion maybe that you can fine-tune as we move forward.

I want to say that I'm glad that in any way we can, without fearmongering, we close the loopholes as we find them to ensure the security of the citizens of Ontario is protected. I'm glad that, because of Dalton's comments, it was raised so quickly.

**The Acting Speaker:** The member's time has expired. The minister from Lanark-Carleton has two minutes to respond.

**Hon Mr Sterling:** The opposition members are playing what I would call a somewhat childish game as to who gets credit for what. They actually give us far, far too much credit. For them to suggest that the Leader of the Opposition, Mr McGuinty, could make a suggestion and we could come back in with a comprehensive bill like we have last Thursday, in a period of two weeks, really gives us a lot of credit. That we are able to react that quickly to draw up a piece of legislation, and to bring forward a logically thought-out piece of legislation, is quite amazing. I think the problem with that kind of approach is that it leads to the continued cynicism about our political process, and I'm trying to lead away from that.

Leading away from that, I want to congratulate the new member for Beaches-East York. The member for Beaches-East York, coming from the municipal world, which I believe works very differently than our Legislature—unfortunately, in some ways—is going to come forward with some positive suggestions, some suggestions about how the bill can be improved. He's not going to talk about the process or who was given or who was not given credit. He's going to talk about the bill. He's going to talk about the provisions of the bill and he's going to make some positive suggestions.

I welcome all members of this Legislature to bring positive suggestions about the bill. Let's not talk about who gets credit, who doesn't get credit. Let's really talk about an issue for a change, because it's in all of our interests to get it right. I am quite willing to be open, and I congratulate all members on positive suggestions.

*Interjections.*

**The Acting Speaker:** It may be the time of night or whatever, but we'll not have this yelling back and forth. I want to remind you that you are allowed to leave voluntarily if you don't want to be here.

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: I would like to get clarification from the longest-serving Conservative member of the Legislature if it's true that the Premier is stepping down and he is assuming the interim leadership of the party when the Premier steps down. Is that a point of order?

**The Acting Speaker:** That is not a point of order. Further debate?

**Mr Mike Colle (Eglinton-Lawrence):** It's my pleasure to rise in the House to bring to light different aspects of Bill 109. I've told the minister that generally we feel very positively disposed toward this bill. We think it's needed and it's opportune. We will do our best, in all seriousness, to try and make it a better bill and ensure there aren't any complexities in it that make it difficult for ordinary people to get their birth certificates. We're willing to offer our advice and our help.

These are incredibly unusual times. As the member from St Catharines said, the biggest television station in Ontario is reporting that the Premier is about to resign. I don't know if it's true or not, but things are not like they were before.

We're definitely trying to wade our way through uncharted waters. As you know, the minister talked about the fact that this bill has been worked on in previous weeks and months by various ministry staff and the OPP and so on. But I think we all know that the horrific, incredible events of September 11 by those cowards, perpetrated in the United States, have brought a new sense of immediacy and urgency to government. I think this government, like all governments, is taking its role quite differently. As a result of that horrific event, as the member for Brampton Centre said too, we have to do things differently. This government has reacted.

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Something pointed out in this Legislature by the Leader of the Opposition—our leader, Dalton McGuinty—is that by faxing or mailing in a one-page form, by answering two or three questions, you could obtain a birth certificate in the province of Ontario. I know some of the members speaking on the government side were making it sound as if someone in outer space was putting together these rules and regulations for obtaining these birth certificates, but it was this government that's been in office for almost seven years now that has done nothing about the fact that you could very easily obtain a birth certificate in this province with no checks and balances—with, as somebody mentioned, a \$100 fine.



You could get 20 or 30 birth certificates—nobody ever checked. You just wonder how many people have been dismissed or laid off or cut back in that ministry and how many people were really watching these files over the years. How many false birth certificates are out there? Hopefully, they didn't get into the hands of the likes of the people we've seen in the last month.

Government has a role not only to give us our driver's licence and our health card. All that information is really a special charge that the government has, and we as citizens expect the government to watch over our information and to carefully guard it with highly trained people who are well-intentioned. But I think we took for granted in the province that one of the cornerstones of getting information for your passport is the birth certificate. There was essentially nobody at home watching over this vital piece of information. They were simply asleep at the switch.

As a result of bringing it to the attention of the government—and it made it into the press. It was at first, as you know, denied by this government saying, "Oh no, the Leader of the Opposition, Dalton McGuinty, was wrong." Well, he was right that there was a major loophole that you could drive a train through. There was basically nobody protecting this type of vital document. For sure it was inviting to people of nefarious intent to use this kind of loophole to gain access to drivers' licences or passports and do who knows what with them.

It was like the individual—I think he's still detained in Toronto—the citizen from a Middle Eastern country who was caught with four passports on his person the other day—four passports. How can they rationalize having four passports? And they all had different names on them from the same country.

As a result of September 11, I think we have no choice but to take government much more seriously. As you know, in the province of Ontario for the last seven years we've been told government isn't needed. We were told government just has to be downsized; government has to be fixed; there are very few redeeming aspects about government and the people—the men and women—who work for government. They were always looked upon as necessary evils—in come cases unnecessary. This government of Premier Mike Harris systematically has taken away that sense of high moral purpose in government, has downsized government, department after department, to the point where there isn't anybody safeguarding our vital statistics, as was the case with our birth certificates. Certainly in the Ministry of the Environment there was nobody watching the shop, with over half the trained staff kicked out the door. In the Ministry of Natural Resources—guarding our water, our wildlife—there's nobody there to guard our heritage of natural resources.

I think out of this stark reality we realize that government is important. You can imagine in the United States if you didn't have the leadership of a Rudolpho Giuliani—how important that kind of leadership is from the mayor of that great city. It's not some corporate CEO who's leading the city; it's the elected mayor of New

York, who represents the people, who's taking the people of New York through their most perilous time. It's the elected President of the United States, George Bush, who heads the federal government, who is, again, not only guiding the nation of 300 million people but who is attempting to guide the free world through its most precarious period in history.

How can you continue to tell us that government is not needed, that government has to be downsized, hatcheted, cut down and marginalized? That's what the neo-conservative agenda has been all about in this province, to the detriment of our services, to the detriment of the good men and women who pay taxes and want government to protect them when they need protection.

That's why it's critical that this government start listening to the people of Ontario, listen to the opposition with the good advice that we give. Our advice isn't impeccable, but we try to bring forward things that should be worked upon. This is one case where I think out of embarrassment the government had to move to plug this little loophole. It was obvious that this was a laughable loophole in Ontario, where someone could basically mail in or fax in a one-page form with three questions and then get a birth certificate. That is not acceptable in terms of the public charge the government and government workers have.

I don't blame the government workers, because they've been demoralized; they've been systematically downsized to the point where they were told they weren't necessary for the prosperity and good governance of this province. So we have to start to understand that there may be some lessons to be learned from that horrific mass murder that occurred in Pennsylvania, Washington and New York, that perhaps we can come again to say that government isn't perfect, but government is needed to protect people, to provide not only for security but for good health and, again, for equal opportunity.

Perhaps we have finally turned that corner in denigrating government, because government is based on democracy. Democracy means that we all have a stake in it. Whether we're elected MPPs or whether we're citizens of this incredibly beautiful province, we have a stake in this government. We are part of the government because this is an open democracy that we all have a vested interest in. It's a vested interest that we have to keep whole for our children and our grandchildren. So we as MPPs have even more this incredible gauntlet that is passed to us, that we represent so many who came before us who made this such an incredibly prosperous and successful province and country.

That's why I think at this time, as we've said in opposition, we will support the government on this bill and we'll try to make it a better bill. But I think that's the kind of attitude we need right across this country.

I was very upset last week when we saw the Minister of Finance basically carping up at Ottawa, saying they need more money for A, B and C, the same old carping, denigrating the Canadian government about, "We have to pay for our tax cuts by your giving us more money." This

is not a time for the provincial government to go to Ottawa and start backbiting. They should be supporting our men and women who are overseas.

We've got one of the biggest contingents—people sneer and snicker when they talk about the Canadian men and women in the force that went overseas. Well, you look and compare what Canada has contributed to NATO, in this effort to defeat terrorism, to the other countries in the world. Just go down the list and see who, proportionately, has offered more than Canada. The only country that has offered proportionately more than Canada is Great Britain.

As Canadians we should be proud of the fact that whether we're defending a birth certificate or a Canadian passport or Canadian tradition or Canadian freedom or whether we're defending Canada's democratic future by fighting terrorism, we should stand behind our flag, we should stand behind our Canadian government and we should stand behind the Ontario government if it does the right thing, and stand behind our municipal services, because they are there to protect our water supply; they are there to protect our public health locally.

I don't begrudge this government and the members the fact that they've stood up and said we have to be more security-conscious. We agree. But we also have to put our money where our mouth is in this province.

As you know, my own city of Toronto has come up with a very good plan to protect the city in these times. They've said we need money for the firefighters to be able to respond, our police force, our emergency services and our public health to fight such disgusting things that we see going on in this country. So they are asking for money from the federal and provincial governments. We should invest in those security services. We shouldn't quibble; we should certainly be able to scrutinize it, but this is a time to put our money where our mouth is as a province that's very rich and help our cities meet this challenge, whether it be bioterrorism or a military threat.

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Certainly there's a disagreement about how prepared we, as Ontarians, should be. I've heard some people say, "This is not New York; this is Toronto." I'm afraid I feel we are all New Yorkers now. Whether we like it or not, what happened in New York happened to all of us. We've all had children, we've had relatives, we've had business associates who could have been in that building or were near that building or were in Manhattan. We go back and forth continually. I've had my own children go back and forth, having lunch in the World Trade Center just this spring. So we are all New Yorkers. Therefore, as Torontonians, we owe it to defend what we believe is basically a democratic right to freedom and good government.

It doesn't mean we have to be extremists on the other side, where we let down our tolerance and let down our protection of minorities. No. We are going to continue that because we've had a history of doing that in Ontario, the most diverse of the provinces, and in Toronto, maybe the most diverse city in the world. We can use that

tradition of showing tolerance through these perilous days ahead. We're not going to put aside our tolerance, but we're going to be awfully tough in pursuing justice. We'll have to be awfully tough in pursuing the defence of what we think is important for the good government of this province.

What baffles me is some people say, "We shouldn't talk about this anthrax scare in the United States." Other people say, "It's never going to happen here." As we saw in the Parliament Buildings of our federal government, they had to cordon off the Centre Block today. So in many ways, what is there supposedly is here.

I think we owe it to the wonderful men and women who are working overtime with our police forces, our emergency services, in our health departments to try and defend us. They are doing this right now. There are a lot of police officers on overtime because we've had these emergency calls for help; they weren't sure what they were, but they're on guard and they're working extra hours. So we owe it to them to give them the support, and if the city of Toronto or the city of Windsor needs extra police officers or extra firefighters or extra equipment, I say the province of Ontario should say, "How much do you want? We will give it to you." And the federal government should help too, because we need local civil defence.

There's nothing wrong with being secure, and that's why I support this bill. It makes us more secure. It makes me feel a little bit better. The minister has come forward with a bill, on the prompting of Dalton McGuinty, but it's a good bill. We'll try and make it better, but we'll support it because we need to feel more secure. When we feel more secure, I'll tell you what it does: it takes pressure off our police forces.

I had the good fortune—in a way it wasn't good fortune. We attended a memorial mass last Friday evening at St Francis of Assisi Church, which is one of the oldest parishes here in Toronto, down at Grace and College. It was a wonderful thing to see. We had a wonderful choir. We had RCMP officers there, we had Toronto police officers there, we had seniors from the community singing in Italian, singing in English, celebrating a mass. At the end of the mass, do you know what they did? For the first time I've ever seen it in a church they sang God Bless America. This was a wonderful expression of sympathy for the tragic events that happened in New York City. Also, I think it brings us together as a country, saying that these hijackers, these premeditated barbarians, are not going to destroy the good things we have built up in this country or this province or this city. As I said, it was put on last Friday at St Francis of Assisi Church. It was put on by the Canadian-Italian congress. It was the idea of Giuseppe Simonetta. We had a wonderful wreath in front with the Canadian flag, the Italian flag and the American flag, and it was a testament to what's great about this city and this province.

I had the pleasure afterwards to talk to a couple of RCMP officers. Their main concern is that they're going to be run off their feet so much by all these false alarms



and lack of seriousness and preparedness that they're not going to be able to catch the criminals who would perpetrate—hopefully not in this country—those acts of terrorism. That's why I'm in support of being informed, being prepared, as this bill does, and that's why for the life of me—it is so aggravating to people when they hear that some terrorist or some nut case with a 50-cent stamp can hold a whole country hostage. We're getting these envelopes that went to NBC, that even went to the leader of the Senate. Daschle got a letter with, purportedly, anthrax powder in it. What happens is that all our police forces—in the States, it's the FBI office, the health authorities, the Centers for Disease Control in Atlanta—are being run off their feet by these letters that come in to significant places. They are in Nevada now, there are a couple of cases in Europe, and there was one in Ottawa today. That's why I think we as a government, or part of the government in opposition here, want to ensure that people have information.

On the front page of one of the local papers yesterday—it was really upsetting; I don't know if you saw it. It was one of the local tabloids. The big headline said "Panic." I don't know what good that headline did. I don't know how it justified anything, a big, bold, four-inch "Panic" on every box across the city. I don't think we want panic; we want an organized response, to be prepared. That's why I commend the minister for this bill. This is a responsible move. It's not causing panic or alarm, but it makes us be alert so that we won't open our doors and invite these nefarious characters to do harm to innocent people.

I'm going to read this, and I think the government should do this too, so that we won't have our RCMP officers, our health officials, our police, our firefighters running off their feet all over this country. This is a simple procedure; it says, "Handling Suspicious Postal Packages." We should let people know that you shouldn't be opening envelopes from people you don't know or with no return address. They've been giving this out in the States. I don't know why we don't have this on the front page of our papers.

Here's what they say to do. It says first of all, "(1) Do not handle the mail piece or package suspected of contamination." Don't touch it. "(2) Notify your supervisor, who will immediately contact the Inspection Service, local police.... (3) Make sure that damaged or suspicious packages are isolated and the immediate areas are cordoned off. (5) Ensure that all persons who have touched the mail piece wash their hands with soap and water."

By the way, this is from the US Postal Service. They have issued this nation-wide. I don't see why Canada Post or our provincial government shouldn't be giving out these instructions too. Some people will say, "Don't alarm people." I think to be informed is to be prepared, and therefore you don't put pressure on our security services, who have a lot more serious things to do.

It says, "(5) Call a postal inspector to report that you received" the package. "(6) Designated officials will notify local, county" police. "(7) Designated officials will

notify the state emergency manager. (8) List all persons who have touched the letter and/or envelope. (9) Place all items worn when in contact with the suspected mail piece in plastic bags and have them available for law enforcement agents. (10) As soon as practical, shower with soap and water. (11) If prescribed medication by medical personnel, take it until otherwise instructed or it runs out." Number 12, for the American audience, is to call a disease-control number.

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I don't think there's any harm in Ontarians getting that kind of information. As I said, our RCMP are without a doubt historically one of the best police forces ever in any country—we need to help them and not run them off their feet with all these alarms that occur by these terrorists who, by design or by accident, have in effect caused upset and terror all over the United States. You turn on the television, the radio, the newspapers: this anthrax stuff is everywhere. That's why I think government has a duty to inform people methodically, calmly, in terms of what to do. We should be talking to our schoolchildren in terms of being safe, being alert, about respecting what your parents say, what your teachers say. Things like simple fire drills: there's nothing wrong with refresher courses on CPR and fire drills.

Even around this place we've got an excellent security force, but I still find it incredible that if you look out front, you can almost drive a truck or car right to the front door here—I guess this way. Perhaps we should have a few more security guards here. I don't think it would do us any harm. You can say, "It's never going to happen here," or, "We're OK." This is like prevention. As the minister said, maybe no one has used this loophole to gain access to a passport and commit an illegal act, but at least this bill sends a strong signal from the province of Ontario to these barbarous individuals that you cannot use this loophole, that people in Ontario, the OPP and people in the Ministry of Consumer and Business Services are at least doing their bit in terms of making this a more secure province.

I think that if we all had this attitude, where the Minister of the Environment, the Minister of Municipal Affairs, the Solicitor General—I know he's trying to do his best, working feverishly behind the scenes with firefighters, and I commend him for his work in trying to meet this challenge. But I think as Ontarians, as Canadians, we should not only support ministers or support our local police chief or our local fire chief or our emergency services personnel; we should also make sure that we remind ourselves that we are Canadians and as Canadians we prize our individual freedom. We have always cared for other people. We've got an unbelievable challenge right now, facing this enemy that is invisible and is certainly without conscience, and I think we've got to do whatever we can to send as many messages as possible to these potential terrorists that we will not in any way, shape or form make it easy for them. We are going to make it as difficult as possible. That's why I say that whether it be this Legislature or whether it be our water

system at the R.C. Harris filtration plant or whether it be the bridges or the nuclear power plants like Bruce or Pickering, we have to be on guard. It's got to be more than just a token effort, because these—I was going to say animals. Animals would never do what they did. These barbarous so-called people will stop at nothing.

I know that my constituents of Eglinton-Lawrence want us to be on guard. They want us as a provincial government to support our federal government as it attempts to go overseas to root out this terrorism. As our young men and women have gone over there already or are on their way over, we support them and their families.

We want to remind our youth in this province about these pieces of legislation that come before us, whether it be this Bill 109 which I think has some technical things we want to ask questions about and maybe improve.

As I think the member for Kingston and the Islands mentioned, what happens to an individual who, for instance, is an adult and wants to get a new birth certificate and can't remember the name of the doctor or can't remember the weight at birth, or even small things like the hometown of his mother and so forth?

So I think we have to find ways of improving the bill. As the critic for this area of business services and consumer affairs, I also notice that if your birth certificate is revoked, there is no basis for appeal right now. We're going to have to ask the minister about that in committee, how we can look at that, because there are a lot of legitimate situations where people may have basically made a mistake and lost their birth certificates. It happens all the time.

The other interesting thing which the minister repeats—and I'll take his word for it; that's what the OPP thinks is the best thing—is that we're not supposed to carry our birth certificates with us. That's the professional advice, and we have to basically tell people in Ontario not to carry their birth certificates with them unless they're going on a trip or somewhere where they will need it to go across the border, the rationale there being that way it can't be stolen or lost so easily. That's perhaps good advice.

The member for Kingston and the Islands probably has the busiest constituency office in all of Ontario. People are lined up out the door to get help there. But as you know, when they come into our offices, our staffs are continually asked for help. I know it's no different in Hamilton East. The phones never stop ringing, people are coming in non-stop because they have to get a name changed, whatever it may be, and in fact I've noticed an acceleration, especially when the ridings are now 110,000 people.

But I think the government should also consider somehow acknowledging the fact that our constituency offices are the front line for people services. The member for Sarnia-Lambton, Mr Beaubien, has helped me with a constituency problem I had with OPAC where this tax organization wouldn't give out assessment information to people. He and I together actually have been sort of com-

plaining about this for the last year and a half or so. By the way, Mr Beaubien, they finally allowed the information on tax assessment that I can show my constituents.

The point is we are the front line of people service, so it's not just the big offices down here in the Macdonald Block; it's the little offices on Princess Street in Kingston and all these front-line offices that need some support from this government. I hope, along with this new onus on doing a good job with these birth certificates, our staffs will do a good job in Brantford, in Cainsville, where the member from Cainsville, Dave Levac, will tell you that there too they want this government to appreciate the work our men and women do on the front lines in getting information.

Rather than just downloading all the work onto our front-line people in the constituency offices, the government had better give our front-line people some supporting services so they can do a good job in ensuring the birth certificate situation is done properly, because this is a dramatic change. I am sure you want that support in your riding in beautiful Stratford, Mr Speaker. We need good support so that we can treat every individual who comes into our offices with a birth certificate problem or a birth certificate request for information with respect and get something done that is secure, ensuring that if we have to sign it as a guarantor, it's done right.

It is a serious issue. A false birth certificate can lead to a lot of other phony documents, and these barbarians will stop at nothing. This is a bit of a plug of a loophole again, brought forward by Dalton McGuinty. I think it should be called the McGuinty bill. We will do a good job with this and help tighten down this province and ensure that we are safe in our homes and in our communities and that this barbaric activity comes to a quick halt. Let's pray for that.

**The Acting Speaker:** Further debate?

**Mr John Gerretsen (Kingston and the Islands):**

First of all, I'd like to thank the member for Eglinton-Lawrence, who is our critic in this area, for an excellent presentation.

Yes, we do run a very busy constituency office in Kingston, but I would think that probably goes for every member here. I would say that, on average, we probably process somewhere between 20 to sometimes 30 birth certificates a week. Of course, the reason for that is that for many people, when they are looking for a government entitlement or a government program, the first thing that is asked for by other government ministries is, "Do you have a birth certificate for the individual you're making the application on behalf of?" We all know that sometimes a birth certificate then is required almost immediately, very quickly.

**2030**

Yes, we support this bill. We think it's a good idea that there should be a guarantor, and various other issues relating thereto. But I think it should also be realized that we may not be in a position to get birth certificates quite as quickly as we did before and therefore the general public out there may in fact be inconvenienced. I think



we have to give a balanced view to that; the extra security, the extra precautions that are taken on the certificate balanced against the time that it may take to actually get the certificate issued.

It never ceases to amaze me how in this forum we can never give credit to anybody on the other side of the House for actually coming up with a good idea. I know the minister said here tonight that they were thinking about making this change to this act, which hadn't been changed, in his own words, in 130 years. They were thinking of doing that when my leader, Dalton McGuinty, asked a question about birth certificates and how easily they could be obtained. As a matter of fact, you may recall that Mr McGuinty asked Mr Sterling to close a loophole which allowed Ontarians to get a birth certificate if they could answer very simple questions and pay \$15. The minister, at that time, and Hansard will bear me out, said, "I don't believe that's the case," and he basically dismissed him out of hand.

With all due respect to the minister, showing him to be the gentleman that he is, the next day he came back to the House and conceded that McGuinty was correct and that the government had failed to close the loophole. Tonight he's saying, "We were going to do it anyway, because it had been under study," and maybe that's so, but I somehow doubt it. This really was an issue that the Leader of the Opposition brought forward, as an opposition should, and it was taken up by government and government did something about it.

I have just gone over the Request for Birth Certificate while this discussion has taken place, and I can tell you there are at least two areas that I found very quickly where this form is deficient. Let me just point out a couple of them. One deals with the guarantor section. It says, for example—and we heard Mr Garfield Dunlop, the member from Simcoe North, read out an entire list of individuals who could act as guarantors, and he included MPPs. Even the minister, in his own press release, said that MPPs could guarantee the birth certificate applications as well.

Well, I have taken a copy of the new birth certificate application form from the Internet tonight in my office and I have looked in the section under who could be a guarantor—I've looked at it three or four times—and nowhere in that section are members of provincial Parliament included. That's an oversight, I assume, because from what the minister said in his press release, they should be included, and we are for many other purposes, so I don't see any reason why we shouldn't be included for this purpose. But that's the reason why I think the bill was brought here very quickly, put together very quickly after the issue was raised by Mr McGuinty, because members of provincial Parliament were excluded from this list.

There is another very interesting section, and I'll just read it to you, as to who can apply for this birth certificate. I'll read it to you word for word, and then I'll pose a hypothetical question to you. It states that:

"You may get a certificate ... only if you are:

"the person named on the certificate and you are at least 13 years old"—that's understandable; so you have to be 13 years of age and you're the person who is named on the certificate—"or a parent of the child named on the certificate and your name is on the birth registration;"—OK, that's fine as well; a parent can apply for a child—"or the closest next of kin, executor, or estate trustee, and the person named on the certificate is deceased." So that presumably takes care of the situation where somebody has died and now somebody has to apply.

What happens if there is no executor and there is no estate trustee and the closest next of kin refuses to do anything about it? I know of many situations, through my own law practice over the years, where the person who wants to do something with an estate, particularly an estate where there is very little monetary value, may not necessarily be the closest next of kin. There may not be a will or there may not be an estate trustee appointed. According to this section, if you are the second-closest next of kin, you wouldn't be able to apply for the certificate. So I think this is probably an area where the ministry didn't quite mean what it says on this particular form and it wants to take another look at it and correct that. In other words, this again leads me to believe that this was drawn up somewhat hastily and perhaps it's time that a committee took a look at it and made all the necessary changes that may be required.

The other thing that I have some concern about is that right now to get a certificate is \$15. It wasn't too long ago that you could get a birth certificate for much less than that. I've forgotten the exact date, but it's probably only three or four or five years ago when you could get it for as little as \$5 or \$10. As a matter of fact, if you want instantaneous service, you can get it by paying an extra \$15 for same-day service. So if you want same-day service, you've got to pay \$30. My question is, how long is that going to last?

The ministry itself has stated unequivocally, in another release, if I can find it here, that bringing in this new technology, this longer form, will cost an extra \$5 million to \$10 million to start and then \$2 million or \$3 million per year thereafter. So it would not surprise me at all if within a relatively short period of time we will go from a \$15 certificate to a \$20 or \$25 certificate. I know a lot of people out there may be saying, "So what? Everything costs more."

But I'm telling you, from our own experience in our own constituency office—and undoubtedly it's the same in a lot of the other offices—quite often the people who require these certificates are the people who have the least amount of money available to them at that point in time, because they usually need the certificates in order to get some government benefit or entitlement or whatever. We have to be honest with the people and we have to tell them that if there is going to be more work involved by more people in government, it's going to cost them more money to get the certificate. There's nothing wrong with that, but at least be upfront by telling people that. As a matter of fact, the form even indicates that,

where it says, "Please note that fees are subject to change without notice," at any time. Of course, that's a clause that's included in all of these forms.

The other thing that's interesting and has already been pointed out by some of the members here is that the new application, the request for the certificate, includes a lot of information. I'm not sure how relevant it is and I'm not sure why it's asked. I'm not sure if you don't know—nowhere on the form does it state that you have to fill out every single space on the application or that it will be accepted if you don't fill out every single space. It asks, for example, for the weight of the child at birth. I don't know what the relevance of that is. It may be, as my friend opposite would say, that I'm nitpicking. But why is it there if it doesn't mean anything? Does that mean if somebody grows up to be—

**Mr Bruce Crozier (Essex):** How much did you weigh at birth?

**Mr Gerretsen:** I have no idea what I weighed at birth, and I don't think it has anything to do with whether or not I should be able to get a birth certificate at this point in time.

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*Interjection.*

**Mr Gerretsen:** I was a small baby. You're probably correct, and the next time I speak to my mother I will ask her if I was a small or a large baby. Also pointed out earlier by one of the members—and I don't know exactly how you would deal with the adopted child situation in this case

The point that I'm quite simply trying to make is that there are some amendments required to this bill and to the rules as set out herein. It is not as easy as the minister would like us to believe. It is probably a step in the right direction. The reason I say "probably" is that I know there is a tendency, particularly after the horrific events of September 11—and I think we can all agree that was probably a date we will never forget as to where we were when we saw what happened that day—and there's absolutely no question that all of us over the last month have had a certain amount of fear or trepidation about being in certain circumstances, particularly when you hear about things like anthrax and smallpox and so many other potential diseases out there. But I do believe that it is irresponsible for the government to suggest that the opposition is scaremongering when we raise, as we have over the last three or four weeks, some very legitimate questions about some very legitimate security issues that we have.

The first one that comes to mind is a potential invasion of the security of our nuclear plants in Ontario. We heard of that situation a week and a half or so ago, that somebody had actually gotten behind the security fences at the Bruce nuclear plant and somehow had used a phone etc. It's very easy for a minister to say, "Shouldn't we help that individual who was stranded there for whatever reason?" Of course we should help that individual, but the real question is, how did that individual get there? Then for one of the other ministers

to say, "We had never thought that the security of this nuclear facility could be invaded by water," when all of our plants are on the waterfronts of the various Great Lakes etc, it is almost preposterous to think that was not something that had been contemplated at some point in time.

The real question, and I think a very legitimate question raised by the opposition, is, what is currently being done in order to ensure those facilities from any kind of attack? That's the issue. We can talk about the Bruce nuclear situation; we can talk about our water plants. I live very close to a water plant in Kingston, as a matter of fact, not more than one block away, and I'm not sure exactly what kind of security has been put into place there to ensure the quality of the water supply and that it cannot be tampered with by terrorists or other individuals. It may very well be right now, for example, with all that we've heard about anthrax in the last week or so, that these may be a bunch of other loonies doing this kind of thing or people who are simply out there, I don't know, trying to cause fear and trepidation in people. There may be something mentally wrong with them. It may have absolutely nothing to do with bin Laden or any of his cohorts at all. The fact that it's happening has to be dealt with, but the same thing could be happening to our water plants, so it's a very legitimate question to ask, what is being done to safeguard the water supplies that we have in each one of our communities?

For the government to, in effect, say, "That's not our responsibility, that's a municipal responsibility," when at other times they make it quite clear to municipalities that they are only creatures of the province, I think is totally irresponsible. I could go on. I happened to take a look, as the result of some inquiries that were asked of me, about what had happened to the ice storm reports that were done after the ice storm hit eastern Ontario back in 1998, at the emergency planning legislation, and noticed that that legislation is not mandatory. It is left totally up to the municipality as to whether or not they want to have an emergency plan in place. I think the government is taking the right step by saying, "Look, we're no longer going to make it permissive. We're going to make it mandatory that every municipality has an emergency plan in place. Perhaps in some cases where municipalities are close together they should jointly work on it." I think these are all issues that are legitimately raised by the opposition and that the government should respond to. This is one issue where they did make the response to an issue that was raised by Dalton McGuinty.

There is one other section in the act that I find kind of interesting, and I'd like the comments of the minister or the parliamentary assistant. That is, they really laud this notion that if you contravene the act, you can get a fine of not more than \$50,000 for an individual and \$250,000 for a corporation. It's wonderful to put that in an act. Everybody who is involved who knows that an application has been put in that is not correct has that responsibility, and the person who loses his or her birth certificate has that responsibility as well. I'm not so sure if, under the threat



of a potential \$50,000 fine, a person who has lost their birth certificate is going to phone the registrar general and say, "I've lost my birth certificate." There has to be something in the act so surely that somebody who realizes that they've lost it sometime well after they've actually—how do you know when exactly you lose something? Let's say they haven't had it in their possession for a year or so, then they need it, then they find out it's gone. What happens if they don't report it at that point in time? The legislation would suggest they are subject to a \$50,000 fine.

I would suggest there be something placed, hopefully, in legislation—but if not in legislation, at least in regulation—whereby in those kinds of situations a person would not be subject to the so-called \$50,000 fine, or else I would suggest you are not going to have too many people who will phone the registrar general. Because I submit that if you have a threat of a potential large fine like that, people aren't going to be all that co-operative. Of course, the real proof will be some three or four years down the line when, undoubtedly, one of the now government members, who will then be sitting in opposition, will be asking how many prosecutions there have actually been under this act. I would dare say we'll probably find out that there wouldn't be all that many. I don't know how you would prosecute anybody, unless it is out-and-out fraud, and it could be. Maybe the member from London West can respond to that later on. I'm saying that threatening somebody with a large fine isn't necessarily going to bring that person to come forward a lot quicker with the information.

We are all concerned about personal security and safety. I think we all want it for ourselves and for our families. If this helps after we've taken another look at the bill and after we've made some amendments to it, so much the better.

There are so many other issues as well relating to personal security. The issue, I guess, that I've been working with for the last month or so—it's primarily because a member of my own family has over the last two or three months been extremely ill and needs home care, needs a long-term-care facility etc—is that I've become more and more aware of the fact of the tremendous lack of those facilities we have. I know we've all been getting calls in our constituency offices and followed them up, but there is nothing worse for an elderly person who comes out of a hospital quicker and sicker than ever before, who is being sent home, who needs the support of a home care worker or a nurse for a couple of hours a day, being told by their community care access centre, "I'm sorry, but we can only give you one hour a day or two hours a week of care" etc, when that person has absolutely nobody else who will look after or assist them.

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It was always my belief that when this government decided to go into the health care restructuring scheme they have implemented, or have started to implement, across the province by closing hospitals and closing beds, they gave the commitment that there would be enough

resources in the community so that individuals could get the necessary home care and the necessary nursing care that they required. That speaks to their personal security. It may be a different situation if you have another adult member in your family who is able to look after that individual and assist them in some capacity. But if you are alone and you do not get the help from the community that I believe as a citizen you are entitled to, then I think we have failed those individuals in the personal security that we owe them.

Insecurity isn't just something that comes and invades us from the outside through an event like September 11 or events like it, but it can come in so many different forms. One of the forms in which it can come is if we are not able to look after ourselves in our own homes and our acute care hospitals aren't able to look after us because we are being released and discharged from them a lot quicker than ever before and there aren't the necessary community supports. There will be some people who will say, "There's a stretch. That really doesn't have anything to do with it." But it is connected, it is definitely connected in my mind, because it also speaks to the sense of security that those individuals need. I would hope that the government will take a look at it. That's why I and other members in our caucus have been so persistent with the government to deal with that situation.

The thought that comes to me over and over again, and it has been dismissed by the government members when I've expressed this before, is that it was very easy for the government to say, "Yes, we are going to initiate the tax cuts that we were going to implement on January 1, 2002, on October 1, 2001, because we want to stimulate the economy." But that's costing the system, that's costing us in revenues as a province, \$180 million. That \$180 million, in my opinion, would have been better used if we had topped up the required monies for the different community care centres so that we can look after our elderly, so that we can look after our sick, so that we can look after the people who really need our help. That we simply aren't doing.

We will be supporting this bill, as I've mentioned before, but I would once again suggest to the government that there are some loopholes still in this bill. I see that the minister is back now. I hope you will take a look at that. As I indicated before, it is unclear as to who exactly can apply for this. You could have somebody who is not the closest next of kin who is placed in a position where they have to apply if they want to deal with the estate or finalize it; the current form doesn't permit it. Members of provincial Parliament are not included in the guarantors' list, which is kind of interesting.

**Mr Crozier:** How much did the minister weigh at birth?

**Mr Gerretsen:** That's the other issue. How much did the minister weigh at birth? The minister's not a very large man, so I imagine he was a fairly small baby, and probably very cute at that.

*Interjection.*

**Mr Gerretsen:** We've got to have some levity in the system from time to time.

**Interjection:** His mother would love him.

**Mr Gerretsen:** I'm sure she would.

I have some trouble when we tell individuals, by the way, that they should not be carrying their birth certificates. I know, as a matter of fact, that on many occasions—yes, people can have age-of-majority cards and other cards etc. But quite often, particularly individuals in their 20s don't have those cards available, yet they are required to go into certain premises, to make certain transactions and what have you, and a lot of these individuals rely on their birth certificate as proof of age. To say now, "You shouldn't carry it with you because you may lose it," to me is a little bit of an overreaction. That's like saying, "Don't carry your wallet because you may lose your wallet and therefore you may lose your entire identity with it."

*Interjection.*

**Mr Gerretsen:** No, I don't carry a wallet on me right now. But it's an argument that's along much the same lines. So I would like the minister to reconsider that idea, because it may not be the best advice he is taking from the OPP and the other forces out there. Birth certificates have been used as an identification document for many years. To now all of a sudden say, "You better not because you may lose it," is like saying you could lose any document.

Since there are a number of ministers in the House right now, I would just once again come back to my plea that we're not just talking about security in the sense of what happened on September 11; we're talking about security of all Ontarians. The best way to provide them that security is to make sure that the services they require, particularly in the area of health care, are available for them. The only way to do that is to ensure we have the resources within the different health agencies, whether they are hospitals or long-term-care facilities.

I find it astounding, for example, that in my own community of Kingston we've got people on two floors of our Kingston General Hospital, which is a modern, up-to-date hospital, some of whom have been there for up to two years—I know this from personal experience, having been there and spoken to these people—waiting to get into a long-term-care facility. I think that is dreadful. That is not the kind of health care, the kind of long-term care, that has traditionally been made available for the elderly, the weak, the feeble and those people who need it in our Ontario and our Canada.

I know the minister will say, "We've authorized up to 10,000 new beds. You people didn't do anything about it when you were in government and neither did the NDP." If they didn't, well, shame on them. And maybe 10,000 isn't even close to the number we need out there.

**Mr Dunlop:** It's 20,000.

**Mr Gerretsen:** Or 20,000. That isn't even close to what we need out there. It isn't enough. You know it and I know it. To allow people to stay for up to two years in an acute care facility—and I know they're in sort of a

downgraded position there—before they can get into a long-term-care facility is totally unacceptable.

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Mr Prue:** Just a couple of comments. I listened with intent—maybe I'm a new guy here, but I actually listen to you guys—to member Colle. He was talking about a terrorist being found in Canada with four passports. I want to assure the House and those who are listening that it is not an unusual situation for people to have multiple passports in this country. In fact, the issuance of fraudulent, forged documents in the world is really quite pervasive, but we are to thank ourselves that such documentation and such forgeries are not as commonplace in Canada.

Part of the reason has been that we have a very good civil service and have always prided ourselves on a good civil service and the rule of law. However, that has come under considerable scrutiny and considerable pain in recent years. As any demoralized public civil servant will tell you, there just aren't enough workers out there to do the job that used to be done years ago in rooting out and finding people with forged documents. In fact, if one looks at the immigration service—and I will acknowledge it's a federal service—most of that is done through a little, tiny town in Alberta. People no longer look face-to-face at immigrants or prospective immigrants or refugee claimants; it is all done from many miles away, using a service where you cannot look into a person's eyes and examine them and talk to them. We need to get back to that. We need to get back to it in terms of issuance of passports as well as birth certificates.

2100

Last but not least, I listened to Mr Gerretsen on the role of MPPs, and I am in full agreement. The list is far too narrow; it needs to be expanded. As I told the minister earlier, there are some suggestions to expand that list to make it much easier for people to have access to public officials and others who can vouch for who they are and for that to be done in a local way that doesn't cost money—

**The Acting Speaker:** The member's time has expired. Comments and questions? The Chair recognizes the member for Lanark-Carleton.

**Hon Mr Sterling:** And the minister.

In response to the speakers, first of all, I am open to listening to members of this Legislature as to other people who might be suitable guarantors. One must understand that a guarantor is going to be phoned from time to time and they're going to be asked about the number of guarantees they've given, so they are going to be responsible. So I have no problem with—and I have said in this Legislature that MPPs will be one of the people who will be responsible and will be eligible to be a guarantor, and that's the way it will be, notwithstanding what's on pieces of paper or whatever.

*Interjection.*

**Hon Mr Sterling:** I don't care what's on the form. It's what the regulation will say, and the regulation will say I



am the registrar and I have said—that's one of the great parts of being the Minister of Consumer and Business Services. I'm the registrar of this particular organization, so I've said it and that's it.

**Interjection:** That's power. Holy Jeez.

**Hon Mr Sterling:** That's power, the only power that I have.

The other part that the member raises is about these cases that might fall between the cracks. I want the member to know that the registrar has fairly wide discretion under the present act and under the future act to deal with anomalies, situations which can't be covered, where you can't find the next of kin or you can't find an appropriate person to apply. There is a large discretion given to the registrar to respond—and the deputy registrar, who is the actual person who does that. So I don't think we need to worry on that. This is a reasonable act, and it will be applied in a reasonable way.

**The Acting Speaker:** Comments and questions?

**Mr Crozier:** I agree with the minister. I think this is a reasonable act, and, as my colleague from Kingston and the Islands has said, we will support it.

It is interesting that he has mentioned some anomalies that are either in or not in the act as it's presented, and I hope we have the opportunity to present amendments to it so that all of us will agree with the objective of it. The main thing is to tighten things up and that birth certificates may not be obtained by just anybody.

I want to mention to the Legislature an interesting point that I ran into just this week in my own riding. We had an elderly lady who attempted to cross the border and was required to have two pieces of picture identification. She doesn't drive a car, doesn't have a driver's licence, doesn't have one of the renewed health cards with her picture on it, so therefore couldn't provide a health card with a picture. The only alternative, as I see it, would be to have a passport, but then again that would only be one piece of picture identification.

So we're running into all kinds of situations now where it just isn't the way it used to be. I appreciate the fact that we are taking steps at least in the area of our birth certificates to tighten that up, but as the minister said, there are other situations that we're going to have to look at and deal with to make it easier for our citizens to access going to the United States.

**Mr Spina:** I wanted to address a couple of comments from the member for Kingston and the Islands. He was talking about some information that was on the proposed form which has been posted on the Web site, which he was good enough to pull off, and what he talked about was that there were some items on that form that didn't seem to be all that relevant. But I want to remind him that his fellow member from Essex in fact made the comment earlier that one of the requests that your people wanted and appreciated was the tightening up of the information on the form. Originally there were about 10 pieces of data that were going to be used as a check and a balance; there are now 20. So what may seem irrelevant on its own really becomes part of the greater picture of that

series of checks and balances in order to better verify the data if and when it is challenged.

With respect to the element of fees, I think you can appreciate that at this stage there is no fee contemplated, but I do want to remind the member that right now the fees that are charged are processing fees by the municipalities. In fact, some of these fees that go through the city clerk—in the city of Toronto, for example, I believe, and I stand to be corrected, it's around \$27.50. These fees are so high in some cases for some poor people that they may choose to have a birth outside of a regulated environment in order to avoid paying that—

**The Acting Speaker:** The member's time has expired. The member for Kingston and the Islands has two minutes to respond.

**Mr Gerretsen:** I appreciate the comments of everybody, including the minister. I'm sure that the last member, the parliamentary assistant, meant that for the original registration of the birth of the child the fees go to the municipality. What we've been talking about here, if I'm not mistaken, is where birth certificates are requested after that fact. Then, the money goes to the province.

I like the spunk of the minister when he says he's in charge and he's going to do it and that's all there is to it. I'm not so sure, with all the rumours around this place tonight about the Premier resigning tomorrow, whether that is an announcement by him that he is going to seek higher office than the high office he already holds today. I'm sure the Minister of the Environment, next to him, may have some comment about that as well.

No, I appreciate what's being said by all of the members about this situation, but I would like to come back to something else. When we're talking about security issues, we shouldn't only look at the documentation or site security, whether it's nuclear plants or water plants. We should also talk about it in terms of the security of the individual.

Minister, I have a lot of respect for you and for the Minister of the Environment, and for the chairman of Management Board, but what I would like you to do is to go to the cabinet meeting tomorrow—or whenever it's held—and tell the Minister of Health and Long-term Care and the associate minister that they are wrong by not coming up immediately with the money that our community care agencies need right now in order to help all those individuals who need community nursing care today.

**The Acting Speaker:** Further debate?

**Mr Prue:** Mr Speaker, I wonder if you can assist me. This is the first time I have done this. I am asking that the order be changed to allow me to speak. The lead is not here, but I am prepared to speak for 15 minutes or so.

**The Acting Speaker:** You would like to speak for 20 minutes instead of the hour?

**Mr Prue:** Yes. The speaker who was to speak for the hour—

**The Acting Speaker:** What would happen is that you would request unanimous consent for that and I'll put it to the—

**Mr Prue:** I so request.

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**The Acting Speaker:** The member for Beaches-East York is requesting unanimous consent to stand down their leadoff. Is there consent? It is agreed.

**Hon Mr Sterling:** On a point of order, Mr Speaker: Normally, what happens on the leadoff is that if you want to share that time with Mr Christopherson, you would say, "I want to share my time with Mr Christopherson." That would be the normal procedure. But I don't know whether you're wanting to just postpone his lead to another time or not. I don't know what exactly the request is. Is the request that Mr Christopherson have a full hour, or is the request that Mr Christopherson use up the remaining part of an hour after you speak?

**The Acting Speaker:** That is not a point of order. I'll take over the session for now if that's OK.

**Mr Prue:** I merely wish to speak for 15 or 20 minutes. *Interjections.*

**Mr Prue:** You'll work it out. Thank you.

I rise to speak on Bill 109, the vital statistics bill. As I have said in my previous statements, in my two-minute comments, I am in support of the thrust of this bill. It is a bill that is long overdue. It is a bill that is overdue not because of the events of September 11, but of really the events of a lifetime.

In this province, it has been very easy to get a birth certificate, as you have heard from speaker after speaker here today, for the sum of \$15 and for having a name. You can go and get a birth certificate, and that in turn will allow you to get other documentation through both the provincial and federal governments.

In the immigration department, where I worked for more than 20 years before becoming a professional politician, I can tell you that the birth certificate, as a document, was very seldom accepted at ports of entry. The Americans would not accept a birth certificate all by itself of a Canadian who was entering and who was suspect without at least one other piece of identification. The same thing worked in reverse. As an immigration officer at a port of entry, we would not accept a birth certificate from the United States as a lone document where there was some question as to the person actually being the person named in the birth certificate.

It was very easy to get them, and they were used very often for improper purposes. I don't have to remind some of the members who may be as old as I am that 30 or 35 years ago, when you were almost old enough to go into a bar, you would get somebody's birth certificate to go into the bar. That's what happened.

**Interjection:** Oh, no.

**Mr Prue:** Oh, yes. People used those birth certificates and they really were not the person. They used them for a purpose which was illegal. Very often, fortunately for the law, those people were caught. But the birth certificate did not contain sufficient information for any law official or any other person to verify its contents. They have no signature. They have no picture. They have nothing except identifying a place of birth and a date of birth, which

you can easily memorize. The proof, therefore, of the person is not contained within the birth certificate. As I said, a second document was almost always required at a port of entry.

In fact, people would have many of these documents. It was not unusual to have multiple identities on birth certificates, and it was not unusual to have multiple identities on social insurance numbers. Social insurance numbers were issued so casually that I even saw one for a dog; I saw one for a canary. They were able to be obtained simply by signature and they had limited or no value. So to have a birth certificate and to have a social insurance number was not necessarily proof of anything: not that you were born in Canada nor that you had the right to work here.

**Mr Bradley:** Are you burning books tonight?

**Mr Prue:** Burning books? I don't think I'm talking about that.

However, we are going to support this bill because the thrust of the bill is correct. The thrust of the bill is to tighten up the insecurity of the birth certificates and to make them a realistic and real document in the province of Ontario. In many parts of the world, it is easy to obtain false documentation. Canada should not and Ontario should not allow itself to be one of those places. As I said, it is endemic in much of the world to have false documentation. There is a whole industry out there with laser printers that can produce very good quality knock-off quality documents: everything from passports to birth certificates to social insurance numbers. It is extremely easy to do. We need to tighten that up so the birth certificates themselves are tamper-proof.

Having said that, I would like to make several suggestions for improving the bill. In this province, in this city and in this country there are literally tens of thousands of people who are undocumented. They have status pending, they are refugee claimants, they are illegal immigrants, you can call them what you want, but there are literally tens of thousands of people who are undocumented; or tens of thousands of people who are documented: everyone from foreign students who are studying here, to people on work visas, to people from multinational corporations who are working in Canada on limited contracts. Those people can and do have children, and the children have the right to an identification. If they are born in Canada, if they are born in Ontario, they have the right to a birth certificate.

What is being suggested here will make it very difficult for parents who are not Canadian citizens, who are not permanent residents of Canada or here in Ontario. They will have a very difficult time to get identification for their children, as I read this particular act. It requires that people know them for at least two years. Work permits are most often issued for six months to a year, student authorizations are usually from one to three years, and people who are illegal immigrants, refugee claimants or undocumented often do not have the wherewithal: people who they know are able to vouch that they are the persons so named. It is a very difficult length of time for



them; it is a very difficult proposition for them to find someone who can come forward and claim to have known them for two years.

What do you do with an undocumented child? How do you get passport for an undocumented child or for the child of undocumented parents? Sure, we know they were born here, but how does someone vouch for them to get the necessary document: a document which will be necessary sometimes for them to leave Canada with a passport; a document which will show their nationality; a document which will allow them to return at a future date.

There is a provision, and I can see it here in the act, for someone not so named for five years, but I would suggest that this is not necessarily in line with the security provisions that the minister is talking about. The five years will allow any person to come forward and say, "I have known this particular individual for five years." I don't have to tell you about the amount of fraud or perceived fraud that has gone on in the immigration department for years with documentation, people claiming to be related, marriages of convenience and all those things you've probably read about in the papers. It is a very dangerous precedent to have a relative or a friend say, "I know him or I know her. I've known them for five years and they have no professional qualification which would be at risk other than the penalties." I would ask the minister to look very seriously at this provision. They should use the professional advice of the registrar or someone else, rather than going to a person who does not have the necessary qualifications.

Having said that, I'd like to go through the qualifications. I thank one of the previous speakers for drawing attention to those who are listed in the list. The list is not long enough to allow easy access. You have to remember we are trying to make this difficult for security reasons, but we also have to make it easy enough that ordinary citizens can find someone who can guarantee who they are. The list is almost the same list as that used for passports. You may remember that passport requirements were tightened many years ago when an American fugitive came to Canada, got a birth certificate for a dead child here in Ontario and then used that to get a Canadian passport and travel with it. At that same time, the Canadian government understood that it had to be tightened and went into a list of who the guarantors might be.

The guarantor list, though, is rather restrictive. It is very difficult for people, particularly those who are new to Canada, to know judges, magistrates, police officers or lawyers. There is no provision for MPP that I can read, and I have read the act several times as well. There is no provision, other than mayor, in a city for them to go to a local politician. I would remind members of the House that in a city like Toronto the mayor represents 2.4 million people; 2.4 million people might want to come to him to get a passport or a birth certificate, but the mayor could hardly be expected to know 2.4 million people.

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In the same city of Toronto there are 44 councillors, each of whom have 55,000 residents in their particular wards. The same is true in Mississauga, where there are about 55,000 residents per ward. Those same people, who might intimately know the people of their ward, might know a lot more people personally and be able to vouchsafe for them, are excluded from this list.

I can understand that in a smaller town of 8,000 or 10,000 people the mayor might be sufficient, but in a city like Toronto or Mississauga there certainly need to be more public officials available who can sign such forms. I would ask that you increase that to include, maybe by ministerial order, councillors in large cities like Toronto, possibly Ottawa, Hamilton and Mississauga, where the numbers would make it literally impossible for the mayor to play that kind of role.

I would then like to turn, last but not least, to the additional problem that may exist with the bill and it comes from a civil liberties viewpoint. I quote just a line directly from the bill. It allows that the cabinet may make additional regulation expanding that list to include others, including—this is to whom information can be released—corporations or other bodies inside or outside of Canada.

With respect, I think that many people would have a great deal of difficulty with the "outside of Canada" provision. I know we are living in an international world and that with the climate of fear and what has happened on September 11 and subsequently, there is much trading of information. But it would appear to me that unless the information is of a criminal nature—through Interpol, the FBI, the RCMP—it is better not to be given to outside bodies or agencies or other foreign governments. This has oftentimes resulted in very serious risk to people who are in Canada, either refugee claimants or people who really would be, I think, shocked and appalled that foreign governments might have information related to them if they were born in Canada and were simply using a birth certificate to obtain a passport or to travel.

I would ask that the minister look very carefully at this and exclude that particular provision from the proposed act, to leave it that the cabinet can make the information available to corporations or other bodies inside Canada. That would get away, I think, from a great many civil libertarian arguments and fears of people having their information released to those outside of Canada.

Mr Speaker, I don't even think I can speak for the whole 15 minutes that has been allotted to me. The thrust of what I'm trying to say related specifically to this act has been made. I thank you for your advice on how to make this speech. I hope that the minister will heed some of the suggestions I have made. However you rule in terms of Mr Christopherson, even if you rule that he is to have only 48 or 50 minutes, I think I'm going to leave the balance for him. Thank you very much.

**The Acting Speaker:** Comments and questions?

**Hon Mr Sterling:** I thank the member for Beaches-East York for his remarks. I want to congratulate you on

your remarks because you stayed specifically with the bill, which is somewhat unusual for this Legislature, I must admit. Quite often, members talk too much about process, too much about blame or whatever and not enough about the bill.

The two issues you raise are interesting. Number one is the issue as to who can sign as a guarantor. Normally within a piece of legislation, that kind of designation would be saved for a regulatory authority, for an order in council, so that you could expand those classifications of individuals as they were brought forward, as to people who could be included in that group. So it's my hope that we will make that a little bit clearer, as to all the people who can be involved. I take with a great deal of seriousness his proposal with regard to councillors in larger municipalities.

With regard to sharing this information with other bodies outside of Canada—and I want to hear how the members of the Legislature feel—I think Mr Crozier mentioned crossing the border into the United States, whether or not the information which we have with the registrar general should be shared with the US border crossing people directly. That's a debate we should have in this place.

**Mr Bradley:** The concern I would have, again, with a lot of the legislation that's brought forward is whether or not there are going to be the financial resources to expend to be able to deal with the new legislation that the minister has brought forward. When I see the government spending hundreds of thousands of dollars on full-page newspaper ads which are designed, in my view, and I think from the point of view of most objective observers, simply to pat the government on the back, disguised as a "thank you" to the people of Ontario but, when you look at it, spending, again, hundreds of thousands of dollars, probably over \$1 million, on full-page newspaper ads congratulating the government—

**Mr John O'Toole (Durham):** Oh, come on, Jim.

**Mr Bradley:** No, you look at it. Don't say, "Oh, come on," to me. I looked at the ads. I thought, well, maybe for once the government was going to have an ad that was non-political. Then of course you look at it and it has got the political message in it. The reason I mention that—you probably wondered. Mr O'Toole wonders why I mention that. The reason I mentioned it is I'm worried that the minister is not going to have sufficient funding to be able to implement the provisions of this bill because the government is spending so much money on what I'd call partisan advertising, self-congratulatory partisan advertising. They must have even some of the backbenchers in the government worried about this. My friend Bill Murdoch must be worried about this.

As well, I must say, I wonder if there is going to be sufficient money to implement this bill when this government is giving away over \$2 billion to the corporations of the province. When they're giving away that much money to the corporations, we know the Minister of Finance is going to be slashing. He's going to have the axe out. He's going to be slashing left and right all of the

departments. That's what I'm concerned about. I hope that was mentioned in the member's speech.

**Mr O'Toole:** I really just wanted to be on the record, first, to recognize Minister Sterling's valued contribution not just to the issue of security, but for responding to—  
*Interjections.*

**Mr O'Toole:** I think it has to be on the record here: just think of a minister who's looking ahead. The OPP audit, as you know, Mr Speaker, was conducted a year ago, long before the September catastrophe. Already the minister has moved quickly. He's moving forward with recommendations; 59 of them are already done. I feel confident. I know his parliamentary assistant, the member from Brampton Centre, spoke earlier. He said basically everything that was germane to the discussion.

But I want to be very clear with the minister here tonight. I want you to stand in your place and reassure me and my constituents in Durham that MPPs who are elected by their constituents are going to be signatories or what I would call—have the authority as a registrar; I guess that's the term, a signatory. I heard you say that earlier here tonight. From what I've said previously, I have the greatest confidence in your ability.

But there's one little section here, this issue of having more than one birth certificate. I need, in your thoughtful response, to be reassured—when someone accidentally loses a birth certificate and then applies for another one, they will still only have one. But if they subsequently find the other one, they'll now have two. How are we going to deal with these little kind of regulatory issues? But at the end of the day, Minister, I know that the security of Ontario will be well looked after and—

**The Acting Speaker:** The member's time is up. The Chair recognizes the member for Brant.

**Mr Dave Levac (Brant):** I appreciate the opportunity to congratulate and thank my leader, Dalton McGuinty, for coming up with the idea to provide Mr Sterling with the opportunity to put forward a bill that we all support. So I want to thank Mr McGuinty for that opportunity. I appreciate the minister stepping forward and saying we do have a problem and we do have to correct it, because after September 11, I think all of us would agree that we must do more to safeguard the people of Ontario, and he's taken the right step to do so. I appreciate that very much.

Some of the points that have been brought out about this particular bill are that maybe, just maybe, the guarantors are just a little bit too narrow and we have to provide our citizens with the opportunity to make sure they can get their birth certificates in a quick and timely fashion.

Minister, just to share with you an observation I made, becoming an MPP, I had people offering me money in order for me to sign in order for them to get their documents. Immediately—immediately—I refused, of course, but I would hope we would take steps to make it perfectly clear that there is no loophole to provide anyone with an opportunity to charge for these services. So, Minister, on a serious note, I would hope we would take



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of Ontario**

Second Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 16 October 2001**

**Mardi 16 octobre 2001**



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 16 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 16 octobre 2001

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### HOME CARE

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** There is no question there is a crisis in home care in my riding and across the province and it's affecting some of our most vulnerable citizens.

In my riding, a 65-year-old woman has experienced a number of health problems over the years. Most recently she has been hospitalized with pneumonia and congestive heart failure. Once released from the hospital, she went home to discover that she couldn't get the home care service she needed. When she asked for further service, she was told that due to government cutbacks, she was not eligible for assistance and to go to a nursing home.

Home care was set up for people to stay in their homes longer. Now patients are being told they are unable to stay in their homes. This 65-year-old woman, who owns her home, should be in her home and not in an institution. Cuts to health care are an absolute disgrace.

Not only are the cutbacks to local CCACs affecting the chronically ill and seniors, but also younger children who depend on CCACs to look after their special needs. For months I have been working with Mr and Mrs Hambly of Ingleside. Their son Lucas has dyspraxia, which can be overcome if he has access to a speech pathologist. Lucas is not even on the waiting list yet because the waiting list is too long. If the government would cut out some of their advertising and spend some of the money to help our most needy in this province, things would be a lot better in future.

#### PREMIER OF ONTARIO

**Mr Norm Miller (Parry Sound-Muskoka):** I rise in the House today to honour a remarkable gentleman on this sad day, but also a day of new beginnings. I would like to give my very best wishes to the Premier of Ontario and to thank him for the many years he has served the people of this great province.

This morning the Premier mentioned that perhaps the greatest legacy of our government would not be visible for another 10 years. Mike Harris is leaving with us a legacy that will benefit the people of Ontario long into

the future, and he deserves to derive great personal satisfaction from that legacy long after he leaves this House.

Mike Harris restored confidence in our province as a place to invest and do business. He has laid a solid foundation for the children of this province to prosper long into the future.

Some may be surprised that the Premier announced he would complete his term as he started, as the MPP for Nipissing. If you will recall, he was sitting up here beside me in the backbenches last week. I guess he was just trying it on for size. It takes great humility and courage to do this, and it's a great example for all of us to remember the people who elect us into office.

Our Premier served in this House with my late father, Frank Miller, and he has said he considered him to be a mentor and a friend. I feel fortunate indeed that Mike Harris will be here for a while yet, and will serve in the same capacity for me.

The Premier of Ontario, Mike Harris, has put our province on the right track. He has succeeded in making Ontario the best place to live, work and raise a family. I think I speak for all of us when I say thank you to the leader of our province for providing a better future for ourselves and our children. I look forward to having him as a colleague for the next few years.

#### ONTARIO ECONOMY

**Mr Gerry Phillips (Scarborough-Agincourt):** I want to talk a little bit about the challenges Ontario faces as we look ahead over the next few months. You will recall the budget called for 150,000 new jobs in Ontario this year. In just the last four months, before the September 11 tragedy, Ontario actually had lost 26,000 jobs. We heard from economists who are telling us now that Ontario will have the weakest economy this year, 2001-02, of all the provinces in Canada. We see in the budget that unfortunately we've added \$20 billion to the debt of the province. We find that we are the most export-oriented jurisdiction in the world, but our exports, obviously, are struggling.

We have found it unusual that the government has decided, with this uncertainty and the uncertainty about maintaining our services, to proceed with two very questionable policies. One is to invest \$500 million of public money in private schools starting in just a few months. The second is that corporate taxes in Ontario are 25% below the US. As we look at the need to compete with those jurisdictions for quality health care and education, in our opinion, 25% lower taxes than the US is unsustainable.



## GENE DOMAGALA

**Mr Michael Prue (Beaches-East York):** I rise to talk about an award that is given each year by Beach Metro News, a local newspaper in Beaches-East York, to commemorate or to single out a person who's made a lasting improvement to the quality of local life. This year that person is Gene Domagala, nominated for his contributions to heritage walks, for saving the boathouse, for saving the Leuty lighthouse and for making the Beaches a great place for people to live.

He's also active in the East Toronto Historical Society and in Heritage Toronto. Also, he is a person who contributes very much to the poor. He hands out Toronto Star boxes and works giving out Christmas hampers for Centre 55. He sits on the Beaches rec centre and works with the anti-racism group and anti-Semitism activists. He also volunteers for Corpus Christi school and St John's schools. As the editor of the Beach Metro News, Carol Stimmel, has so rightly pointed out, if something needs to be done, just give it to Gene and he goes off and does it. We congratulate him. He's a tremendous, tremendous citizen of Beaches-East York and I think a model to all of us of what we can do to help the community, what we can do to further the better cause of all of the people who live in our respective communities, but especially in Beaches-East York.

## FEDERAL RESPONSE TO TERRORISM

**Mr Doug Galt (Northumberland):** I rise in the House today to express concern—concern for our country, for our safety and for the lack of meaningful action by our federal government.

The people in my home riding of Northumberland are disappointed, shocked and embarrassed by the reaction of the federal Liberal Party to the tragic events of September 11. The government has foolishly refused to accept the gravity of the situation, and with this latest attempt at damage control, they are in danger of making the problem worse.

Anti-terrorist legislation announced by Justice Minister Anne McLellan is like giving chicken soup for a cold. It's a feel-good exercise but everybody knows it doesn't really work. You cannot legislate to prevent terrorism. You must provide intelligence, funding and personnel to do the job. Then you must take strong, decisive action. On all these accounts the federal government has failed us. What will this new legislation do that is not already covered? We have the CSIS Act; we have new anti-gang legislation in place; we've seen the sweeping powers of the War Measures Act.

I call on the members of both sides of this House to send a strong message to Jean Chrétien and the federal government: stop the window dressing, allocate the needed resources and provide the leadership that this country needs. Join hands with our American cousins to fortify our borders and ensure the free passage of goods and services. Recognize that responsibility is a price that

everyone must pay for freedom, and then take that responsibility.

1340

## CANADIAN FOSTER FAMILY WEEK

**Mr Ernie Parsons (Prince Edward-Hastings):** On the occasion of Canadian Foster Family Week, I would like to pay tribute to the hundreds of foster families that we have in Ontario. These are people, average working families or retired individuals, who take into their home and provide a home for children who need protection from their own natural family. In many cases for these children, it is a first occasion where they will have three meals a day. It is a first occasion where they will know affection. It is a first occasion where they will be dressed appropriately for the weather.

I have seen movies portraying foster families as problem families. I've never met one in all of my 15 years of fostering. These are people who truly make a commitment to the children in their care 24 hours a day, seven days a week. Indeed, for families that foster, it is extremely difficult for them even to get babysitting or to get some days away with their natural children. Invariably, foster families take the children in and they become a close, complete part of their family.

I wanted to pay special tribute, though, to the children of foster families, who share their toys, share their home, share their family secrets and share their parents with these children. The only bad day for a foster family is the day that the child leaves. The bond is established, caring takes place, and the children return, hopefully, to a home that's been restored or to an adoptive home.

This province could not function without foster families, and I pay tribute to them today.

STUDENTS AGAINST  
IMPAIRED DRIVING

**Mr Bart Maves (Niagara Falls):** Earlier today, the Student Life Education Company, along with staff and students at Westlane Secondary School in Niagara Falls, kicked off the third annual National Students Against Impaired Driving Day. In 1999, at a Youth Against Impaired Driving conference in Ottawa, over 500 participating high school students chose the third Tuesday in October, today, as the annual National Students Against Impaired Driving Day.

In its first year, National Students Against Impaired Driving Day 1999 had over 150 schools from across Canada participate. Some 250 schools participated in 2000, and today over 300 schools representing every province and territory were expected to join in the fight to stop impaired driving. I encourage any schools that are interested in participating to contact Student Life Now! at [www.studentlifeeducation.com](http://www.studentlifeeducation.com).

As proud hosts for this prestigious day, Westlane students and staff put together a great program. An assembly was held with the telling of a victim's personal

story followed by a student presentation. Some of the demonstrations included an impaired vision obstacle course and a computerized personal blood-alcohol concentration analysis.

I'd like to say congratulations to Westlane students and staff on their efforts today. It's important for students all over Canada to recognize the consequences of impaired driving and to look at ways to avoid drinking and driving.

#### GOVERNMENT'S RECORD

**Mr Tony Ruprecht (Davenport):** When this government came to power, it started to decimate government programs to the point of crippling our effectiveness. The cuts caused huge problems in various ministries. Look at environment. What comes to mind is Walkerton. Look at the Ministry of Health. What comes to mind is long lineups, services for seniors that have to be charged for and firing of nurses. Look at citizenship and education. What comes to mind in education, of course, is confrontation with our teachers. What about the Ministry of Citizenship? What comes to mind is the gutting of major programs and the foundation of multiculturalism.

So in this Ontario harbour are two boats. The Conservative boat is not inclusive. The Liberal boat is inclusive. It includes the rich and the poor. It includes those who are employed and unemployed. It includes the young and the old. It includes the employed and unemployed. So that's our boat.

What we want to do is, we have a captain. Our captain has a vision of Ontario, and that vision is to open the doors of this government, to open the doors to this Legislature and to make sure that every Ontario citizen who has an idea or wants to participate has a stake in the system. That's our vision. This vision, of course, will materialize this evening at 6 o'clock. I invite all of you to participate in the new Ontario.

#### PUBLIC LIBRARY WEEK

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I rise today to mark Ontario's Public Library Week. Libraries are important to the lives of many Ontarians. They are also a vital component of our education system. We don't often talk about libraries when we speak of education, but I know how important a library is to a student. A library is a portal giving access to knowledge and information for learners, young or old.

There are 1,215 libraries in Ontario, and 6 million Ontarians are active library users. In 1999, Ontario made 62 million library visits. In Ontario, our public library system offers books and other media to everyone equally. Less wealthy patrons can borrow information which they might never be able to afford to buy. They can use public e-mail and Internet terminals. This is an important method of levelling the playing field and spreading learning to all levels of society.

This morning I was happy to welcome Ontario's culture minister, Tim Hudak, to the Chinguacousy branch

of the Brampton Public Library in my riding of Bramalea-Gore-Malton-Springdale for the launch of Public Library Week. Minister, thank you for coming to Bramalea and for recognizing the excellence and innovation of Ontario's libraries with the awards you handed out this morning.

I am happy to sell you the contribution of our librarians, the thousands of library volunteers and our library system as a whole to the quality of life in Ontario.

#### BOARD OF INTERNAL ECONOMY APPOINTMENT

**The Speaker (Hon Gary Carr):** I beg to inform the House that I have laid upon the table a copy of an order in council appointing the Honourable Rob Sampson as a commissioner to the Board of Internal Economy, appointed by the Lieutenant Governor in Council from among the members of the executive council in place of the Honourable Frank F. Klees.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr Norm Miller (Parry Sound-Muskoka):** I beg leave to present a report from the standing committee on general government and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill as amended:

Bill 56, An Act to encourage the revitalization of contaminated land and to make other amendments relating to environmental matters / *Projet de loi 56, Loi visant à encourager la revitalisation des terrains contaminés et apportant d'autres modifications se rapportant à des questions environnementales.*

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed. The bill is therefore ordered for third reading.

#### VISITORS

**Mr John Gerretsen (Kingston and the Islands):** Today we are joined in the gallery by the parents of our page from Kingston, Emma McGuire: Alan Compeau, her mother, Sandra McGuire, and her little brother, Henry McGuire. I'd like to welcome them to these proceedings.

#### ORAL QUESTIONS

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: Our first question is for the Minister of Health. We were given to understand he'd be here today.



**The Speaker (Hon Gary Carr):** We did wrap up rather quickly. I'm wondering if maybe the second question could go first. Any clarification? Maybe go to the second question.

### EDUCATION TAX CREDIT

**Mrs Sandra Pupatello (Windsor West):** My question is for the Minister of Education. Last session, you promised Ontario's working families extensive consultation on the implementation of your private school tax credit. Now we're learning that this consultation on the private school tax credit is going to be in secret. In fact, you are not going to make the results of these consultations known. In fact, the individual heading up your committee on consultation is going to take the report and hand it over to the Minister of Finance. In fact, he may not even write down the report; he may just go and knock on the door and give him the report verbally.

How is that you're going to allow the most significant change in education policy to be handed over in this manner to the Minister of Finance, where we and you, apparently, don't even get the results of consultation on the private school tax credit?

1350

**Hon Janet Ecker (Minister of Education, Government House Leader):** I understand that the honourable member is trying to create some great issue here, but this government said we would consult; we have consulted. We've received a lot of information and input. There have been meetings held. I know I've received a great deal of input from the education sector. That information is being reviewed. You might wish to ask the finance minister as to the next steps on your supplementary, if you will. That information is being reviewed by the government, as all of this input is on every issue. We will make the appropriate decisions about what accountability measures and changes in eligibility will be required for this particular initiative that respects parental choice.

**Mrs Pupatello:** First, to the Minister of Education, it's been about three hours since a major announcement in your caucus and you finally have not turned the question over to the Minister of Finance. Congratulations, first.

Second, let's just say this: we are hearing that Mr Hardeman will be turning over his report to the Minister of Finance. We are well aware, as is your caucus, of what consultation may have happened, who agreed and who didn't agree. The point is clear. Here's a document that you presented to your caucus, the back-to-school plan. In it, you described what was lacking in our public education system. You described to your caucus that we are lacking textbooks, that the schools are crumbling, that the children are failing the tests, that those test results are not improving.

In light of what you reported to your own caucus, Minister of Education, will you please now stand and say that this is not the time, nor may it ever be the time, for a private school tax credit in a public system in Ontario?

**Hon Mrs Ecker:** Given some of the strong answers this finance minister has given that opposition, I understand why she's afraid to ask him the question.

First of all, what I have told caucus, what I have told the public, is that this government has a strong priority on the public education system. We continue to invest new monies into public education because we think it's an important building block for our economic prosperity, for the future of our kids.

This government—she may find it terribly revolutionary over there—respects parental choice. We have done more on this side of the House to encourage parents, to give them a strong role, to give them a strong voice in the education of their children across the board, and this government stands behind that commitment.

**Mrs Pupatello:** Parents' confidence is at an all-time low. How do we know this as opposition MPPs? It's in the report you submitted to your own caucus. So all of the changes you have brought to bear in the public school system have not instilled confidence in the parents across Ontario.

When will you stand up to the Minister of Finance, who insists that this is the time for a private school tax credit? When will you agree with us that taking \$500 million of taxpayers' money and pouring it into a private system when you yourself, as the Minister of Education—not only did you agree with us; you put it in writing and you submitted it to your own caucus: you have crumbling schools; you are lacking textbooks; the kids are failing the tests. When will you stand up to the Minister of Finance and say, "That's enough. Money belongs in the public system"?

**Hon Mrs Ecker:** The positioning of the opposition party is just beyond belief. They sit here and say that somehow or other there's a secret report about whether kids are passing or failing our tests. We publicly report what is happening in our schools, how well our kids are doing.

We stood up in 1995 and again in 1999 and we said the education system needed to be changed. We said our kids weren't learning what they needed to learn. We said they needed a new curriculum and tests. You know what they said? They said, "No, not necessary." So when those tests showed that our kids were not getting what they needed, that what we were putting in place was needed for our kids to succeed, they stand up and say, "Oh gee, oh dear, isn't this dreadful?"

Public accountability is incredibly important in our public education system. We are not afraid of it. We encourage it. And unlike the members on that side of the House, we don't believe in respecting parents here and not respecting parents there, like the Liberal Party in this province.

### MINISTER OF HEALTH

**Mrs Sandra Pupatello (Windsor West):** My question is for the Minister of Health. Today we had a significant announcement by the leader of your party. What

concerned us immediately harkened us back to last March when the Premier of Ontario gave you a specific rebuke because of your involvement in the Canadian Alliance and in its leadership race at the time. Last March, Mike Harris said specifically that being Minister of Health was a full-time job. He told you very clearly, "Do your job."

Our concerns are clear. We couldn't agree more. In fact, with everything that is happening in the health system, with hospitals across the board in deficit, with home care services not being implemented, with every sector of the health segment being told that they are under review, with you refusing to fund at appropriate levels, I ask you this: are you prepared to be a full-time Minister of Health?

**Hon Tony Clement (Minister of Health and Long-Term Care):** The good news, Mr Speaker, is that even if I spent half my time on it, I'd do twice as good a job as she would do as Minister of Health. We're getting a real bargain in this cabinet.

Let me say this: every single member of this executive council works 24 hours a day, seven days a week for the common sense Ontarians who want change in our health system, want better education, want more tax cuts, want an economy that works. We are proud of that. We'll give you our Daytimer or our Palm Pilot and we'll compare how much time we spend working for the people of Ontario against any one of you any day of the week. We're proud of that.

**Mrs Pupatello:** I won't be running against this Minister of Health in the next several months.

I've got to tell you, Minister, actions speak louder than words. You and I are fully aware that every segment of health is in trouble. Your primary care reform has stalled. Your hospitals are in deficit. Home care is not being delivered across the board. This is happening across the province. You have an opportunity to help, so you decide to boost your own political staff. You didn't boost your political staff with experts in health; you decided to hire Stockwell Day's EA and bring him in here as your communications director, some expert in leadership as opposed to an expert in health.

We actually agree with Mike Harris. We think the Ministry of Health needs a full-time Minister of Health. I want you to commit today: will you be a full-time Minister of Health or will you be traversing the province acting as a leadership candidate instead of taking care of the business that is the most important in the minds of working families in Ontario?

**Hon Mr Clement:** Let's take one day; for instance, October 1. Perhaps the honourable member would like to take that day. On that day I was with the Premier of this province in Windsor, Ontario, announcing that Windsor gets its new medical campus so that we have more doctors, more medical professionals. On the same day, the Premier and I laid the foundation stone for the brand new emergency wing for the new Windsor hospital. We were proud to be there. Where was Sandra Pupatello on that date? She was there folding her arms at the front,

saying, "This is terrible, this is horrible. How can Windsor take this?" Nobody was listening to her. Everyone was proud that Mike Harris and the government of Ontario were there for the people of Windsor. We are proud of that day, October 1. You cannot say the same thing.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. I say to all members, I know the going back and forth is fun-loving. There isn't any anger and there isn't yelling, but it is getting rather loud, even though we are doing it with a sense of humour on both sides. I hate to be one who tries to tone that down because it is done with smiles on the faces, but it does get a little bit too loud; if we could tone it down just a wee bit, because it is getting a wee bit too loud.

I believe we're on the final supplementary.

1400

**Mrs Pupatello:** Maybe the Minister of Health will recall that last week my leader asked you about a document on public health, and you couldn't remember the document. Not only could you not remember the document, you had already heard about it and had to respond to my colleague raising it at estimates the week before. You've been so busy that you forget what happens in your own ministry within the week. Your famous trip to Windsor—you forgot to mention that our hospitals are begging you. One hospital alone is suffering a \$20-million deficit. Let's talk about the facts of what you're doing in my city.

CCACs across Ontario are looking at a \$175-million deficit, and all you have to say is that you're going to see what happens in a report. That's what you've got to say to the people of Ontario. We're asking you a serious question. We are telling you today that we want a full-time Minister of Health. That last announcement three hours ago has changed things for you. We want to know just how committed you are to the major, serious health problems that plague Ontario families.

**Hon Mr Clement:** We are second to none in terms of our commitment to the hospitals in Ontario. The Ontario Hospital Association has been our partner. We want more accountability, we want more efficiency and we want better results for our hospitals in Ontario, and we are willing to pay for that kind of investment.

She brings the case of her leader forward. What did Dalton McGuinty once say was the solution to health care for Ontario? He said the system would be better, the problem would be solved, if people took better care of themselves and avoided getting sick. That's all they have to do, according to Dalton McGuinty, just avoid getting sick and everything would solve itself.

We know on this side of the House, just as common sense Ontarians know throughout Ontario, including Windsor, that the issues are tougher than that. They need tough and necessary leadership. That's what this caucus, this cabinet and this government have supplied year in, year out. You can pretend to know the answers; you don't know the first meaning of leadership.



## TAXATION

**Mr David Christopherson (Hamilton West):** My question is to the Deputy Premier. Restaurants across Ontario are about to start a wave of layoffs. You would know that hundreds, if not thousands, of servers and cooks are going to be out in the cold this winter, because they're on the front lines of the economic recession. The restaurant industry is taking a nose-dive and yet you continue to refuse to act on the NDP's proposal to cut the provincial sales tax from restaurant meals until January 1 to give this ailing industry a boost.

*Interjections.*

**Mr Christopherson:** Obviously your backbenchers think this is a great idea. The NDP thinks this is a great idea. The people who work in the restaurant industry think this is a great idea. Why don't you act now and save these jobs?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** The issue of tax cuts involves choices and which taxes one addresses. We know from experience in Ontario, under the leadership of Premier Harris since 1995, that the reduction of personal income taxes has a direct, long-term effect in encouraging consumer spending and in bolstering economic activity.

Corporate taxes also create more jobs, create more investment. Indeed, that was the approach taken by Floyd Laughren in his budgets, with respect to reducing payroll taxes, when he was the Minister of Finance for the NDP government.

**Mr Christopherson:** You assured us at the time, much against our criticism and opposition, that the measures you took would ensure that a day like today didn't arrive. We told you that you were wrong then, and we're telling you today you're wrong now.

The fact of the matter is that you've taken care of the wealthy in Ontario, you've taken care of your corporate friends, but the vast majority of ordinary working people and their families are about to be devastated by the recession that's affecting us.

The vice-president of research for the Canadian Restaurant and Foodservices Association said in today's *Globe and Mail* that establishments that rely on tourism and business travel are bearing the brunt of the slowdown right now.

Minister, the proposals we are making to cut the provincial sales tax would stimulate that industry right now, and they would save those jobs right now. Why won't you act right now?

**Hon Mr Flaherty:** I appreciate the member opposite's dedication to tax cuts. I'm glad that that conversion has happened with you, as it has with the leader of your party. It took a long time for the New Democratic Party to come to the position that tax cuts actually help the economy, actually help the people of Ontario. What we're talking about now is which tax cuts are more beneficial in which areas of the economy.

I can tell you that the Canadian Manufacturers' Association is firmly of the view that the reduction in

taxes, the acceleration of tax cuts is the right way to stimulate the economy. In fact, they say it's the best thing to do in order to help boost business confidence and spur new investment in Ontario.

**Mr Christopherson:** Minister, the rhetoric wears thin when you're one of the workers in the restaurant industry. You have said that ensuring our tourism industry stays alive and thrives is important to you. We're offering a suggestion that works well with that. It will stimulate the restaurant business. It will save the jobs of servers, cooks, cleaners and other people in the restaurant industry, and it will do that now.

The article goes on to say that the vice-president of research also said she expects this industry—meaning the restaurant industry—to nose-dive in the fourth quarter. All your tax cuts for corporations and your wish and hope that it will all trickle down on front-line people like those who work in restaurants are not going to do a thing to save jobs today. Minister, on behalf of the NDP, I call on you again to cut the provincial sales tax for restaurant meals and save those jobs.

**Hon Mr Flaherty:** I certainly agree with the member opposite on the importance of saving jobs, of investing in the economy, of doing what we can as a provincial government in a time of economic slowdown to stimulate the economy, to create and preserve jobs. We've chosen to accelerate the corporate income tax cuts from January 1 to October 1. The Premier made that announcement. We've chosen to boost productivity through the reduction in the personal income taxes, moving those tax reductions from January 1 to October 1, and we've accelerated the capital tax change, which I announced in the budget on May 9.

All options are always being considered, and I appreciate the advice of the member opposite. We certainly feel that what we've done on the tax side as well as the announcements made by the Minister of Tourism to assist the tourism sector are important steps forward in a time of economic slowdown to help the people of Ontario and to preserve jobs.

## LITERACY TEST

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. What an unfortunate way for you to kick off your Conservative leadership campaign. You completely mismanaged the security of the grade 10 literacy test, and quite frankly your bungling has wasted approximately seven million bucks that otherwise could have gone to our education system. How is anyone supposed to trust you as leader of a party or a government if you can't even keep a test safe?

**Hon Janet Ecker (Minister of Education, Government House Leader):** To the honourable member, I'll remember to put you down as undecided.

The EQAO, the Education Quality and Accountability Office, has security protocols in place. We have a case here where people deliberately flouted those security protocols, where they put the interests of students at risk.

This test is an important graduate requirement for these students. It determines whether they will get their high school certificate diploma or whether they will not get that diploma. What is important here is the validity, the credibility of that test because of its importance to students, but secondly, the fairness to all students.

So if the honourable member is suggesting that we should have allowed people to deliberately violate the security of that test, to deliberately undermine the credibility, and then say to high school students, "Your high school diploma depends on that," well, I reject that position absolutely. The interests of our students come first in this case. Police are investigating. There have been laws broken here. You may not take it seriously across the way, but this side of the House does very much.

1410

**Mr Marchese:** Madame, I know it's hard for you to appreciate this, but I'm just trying to help you. I've got to tell you that Mr Flaherty, another leadership contender, who is running the Minister of Education by remote control, is going to exact more cuts from all the ministries, including yours, due to the fiscal failures of your government.

I've got a suggestion for you. My suggestion is that you anticipate these cuts and that you abolish the Education Quality and Accountability Office. Save a whole lot of money so that you can send those savings back into the classroom. That's what I want to offer to you as a suggestion. What do you think, Minister?

**Hon Mrs Ecker:** To the honourable member, if the NDP keeps helping us the way they've helped us in the past, we're here for another majority government, I've got to tell you.

It's really interesting that the honourable member from the NDP is saying, "Abolish the Education Quality and Accountability Office, abolish testing." So he is prepared to continue to put money in public education and not ever ask the question, are our students learning what they need to learn? Are they getting what they need to receive from our education system? Well, we think that education for them is so important that that testing allows us to know who's doing well, who needs extra help. The NDP is opposed to that. I'm rather shocked that they would be opposed to that, but they clearly are.

This government is going to continue to do what we said we would do: to bring in higher standards in our public education system, to help our students meet those standards, to improve student learning. That's how in this province economic prosperity and quality of life will continue.

#### PUBLIC HEALTH

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is to the Minister of Health. Yesterday my leader asked you about cuts to public health programs. You accused him of, and I quote, "fearmongering and scaring and over-theatrics." You insisted that you didn't know what he was talking about. Well, Minister, you

definitely know a lot about over-theatrics, but you should also know something about public health.

On October 9 in estimates committee, I asked you about your ministry's plan to cut mandatory health programs. You clearly knew nothing about the issue then, but Dr Kurji from your public health branch did. He said, on the record and in your presence, that you are in the process of revising the mandatory programs and that you will bring some new ones in and you will drop some.

Minister, you were present when your ministry official said that. Why did you try to deny any knowledge of this issue?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Quite frankly, there's a difference between reviewing all programs—which we do as a matter of course in the Ministry of Health or the Ministry of Education or any other ministry in this government—and the leader of the official opposition's contention that we have a plan to cut, we have already made up our mind, we have already made a decision to cut. That is absolutely untrue. That could be the furthest from the truth. So that is the difference between what was asked of me yesterday and what you are asking me today.

**Mrs McLeod:** Minister, my information about cuts to public health programs came from a presentation made by Ministry of Health officials. I showed you these same documents from that presentation at the estimates committee. This document, Minister, discusses dropping one or more mandatory programs as a potential cost reduction strategy. Your official confirmed at that meeting on October 9 that you are in the process of revising the mandatory programs, that you plan to drop some and add others. It was also confirmed at that same committee meeting on that same date that you're planning to spend at least \$6 million less on public health programs this year than you did last year.

Minister, you weren't concerned enough about public health to follow up on this issue two weeks ago. You've now had another 24 hours to find out what's happening. Will you now tell us and tell the public what public health programs you are planning to cut?

**Hon Mr Clement:** There is no plan for this fiscal year for the programs that she is alleging we are cutting. That is far from the truth. Indeed, our portion of 100% funding—100% funding—for things like Healthy Babies, Healthy Children, speech, education and development has increased in the previous government from \$5.6 million to \$54.6 million last year alone. That is the commitment we've made: 100% provincial dollars. Not federal dollars, no federal money in there—100% provincial dollars. Not municipal dollars—provincial dollars, a ten-fold increase for these programs, because we think it is important that public health remain a priority. That is our commitment, and it continues to be our commitment.

#### SMALL BUSINESS

**Mr Norm Miller (Parry Sound-Muskoka):** My question today is for the Minister of Northern Develop-



ment and Mines. As you know, on October 2, our Premier, Mike Harris, along with the Minister of Economic Development and Trade, Bob Runciman, kicked off Small Business Month. As the MPP for Parry Sound-Muskoka, I'm very proud of the small businesses in my riding. Could you tell the members of this House today more about what you're doing to recognize small businesses in northern Ontario?

**Hon Dan Newman (Minister of Northern Development and Mines):** I want to thank the member for Parry Sound-Muskoka for the question. As indicated by our Premier, Mike Harris, and by Bob Runciman, the Minister of Economic Development and Trade, some estimates indicate that small businesses create nearly 80% of all new jobs in our province. Our government has worked hard to create a climate of economic growth by cutting taxes, by reducing the regulatory burden and by making significant investments in infrastructure. In northern Ontario, I commend the efforts of all entrepreneurs who have taken risks and have worked hard to promote their small businesses. I know that our government will continue to make efforts to create a climate where businesses can compete and succeed, not just across the province but in northern Ontario as well.

**Mr Miller:** Many of the constituents in my riding of Parry Sound-Muskoka are involved in small businesses. I believe about 80% of businesses are small businesses. I'm proud to stand here today and represent them. I'm also aware of their tenacity and efforts. Could you tell my constituents and all members of this House today how you will be recognizing the efforts of all those hard-working northern risk-takers?

**Hon Mr Newman:** On Thursday, October 18, I will be attending the Northern Ontario Business Awards in Timmins. This annual event provides a forum for all of us to commend the efforts of those across the north who have made sacrifices in order to succeed. However, while there will be winners announced at the Northern Ontario Business Awards, each entrepreneur across the north should know that as their voice at the cabinet table, I am proud to represent them and I commend them for their hard work and their determination.

In advance of the awards I'd like to thank all of the volunteers, organizers and sponsors for making this year's ceremony not only possible, but I also know it will be another great northern Ontario success story. I can assure you that our government remains committed to working hard to build strong northern communities and I look forward to being in Timmins on Thursday night to recognize the north's best.

#### NATIONAL COUNTERTERRORISM PLAN

**Mr Michael Bryant (St Paul's):** I have a question for the Solicitor General. You'll know from the January 1999 report of the special committee on security and intelligence that the committee recommended that it be imperative for each province to actually sign the national

counterterrorism plan developed by the federal government. It further reported that the province of Ontario had not signed on to the national counterterrorism plan and, furthermore, that it had not provided its final response to that plan. On October 11, Emergency Measures Ontario indicated that that is still the case, that the province of Ontario still has not signed on to the national counterterrorism plan a full month after the events of September 11. Can you tell us why?

**Hon David Turnbull (Solicitor General):** There are still some discussions going on with the federal government. Let me say we have done everything necessary to make sure that this province is safe. Not only have we done that, but we have co-operated very well with the federal government. I think you will find, if you speak to federal friends, that they will indeed say that they've been pleased with the support and co-operation from this province.

**Mr Bryant:** Even more troubling than this province's failure to sign on to the national plan was the finding by the special committee of the Senate that the Ontario counterterrorism plan, in its words, had "inconsistencies with the national counterterrorism plan that are troubling." These are the findings of the committee.

Can you tell us now whether the various conflicts and inconsistencies listed in January 1999, including jurisdictional conflicts over who is in charge of what during a terrorist incident—can you confirm today that these inconsistencies still have not been worked out, and that a full month after the events of September 11, Ontario's counterterrorism plan is not working in support of the national counterterrorism plan?

**Hon Mr Turnbull:** I think if you were to make a phone call to your federal cousins, you would find that they are very satisfied with the arrangements we've been making. Let me say that all the arrangements we have made to date have ensured the security of this province. We clearly recognize that from time to time there may be differences between the views of various bodies, and to that end we will work with the federal government to ensure that we have those finished. But let me assure you that Emergency Measures Ontario has worked very well, and the federal government has certainly recognized how satisfactory the co-operation with this province has been.

1420

#### SERVICES FOR THE DISABLED

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** My question is for the Minister of Citizenship. In the throne speech, the government confirmed our commitment to introducing an Ontarians with Disabilities Act. This is good news for the disabled community in Ontario and their families, and I fully support this important initiative. What programs does the government already have in place to improve the lives of people with disabilities?

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** I'm pleased to report

that Ontario is a national leader in terms of its support and services for persons with disabilities. It's an enviable record and one that we're building on.

*Interjection.*

**Hon Mr Jackson:** I know the member from Kingston trivializes the issues around the disabled community, but he should be listening to the facts, because it's gone unnoticed by him that this government has put \$67 million into housing for persons with mental illnesses, \$20 million into children's treatment centres, \$35 million into employment support services programs, an additional \$50 million for persons who have developmental disabilities, new dollars for autism, and the Treasurer has even put forward a new tax incentive for builders to build more accessible housing.

We know that the \$1 billion of additional spending by this government in the last five years has improved the quality of life for persons with disabilities. We know there is more we can do as well, and that's why we're committed. Within the next few weeks, we will be tabling in this House Ontario's first Ontarians with Disabilities Act, something that all members of this House will be proud of.

**Mr Gill:** A number of municipalities have advisory committees on disability issues and they have been implementing the committee's suggestions for helping disabled persons reach full citizenship. We should all salute their achievements. As we work toward equal opportunity and full access for the disabled, how would you compare our role to that of the federal government?

**Hon Mr Jackson:** When I began my consultations six months ago, the first city I went to in this province was Windsor. Windsor has had an advisory committee operating there for some 30 years. It's extremely effective; it has done tremendous work to not only remove barriers but to ensure that no new barriers are built. But even in Windsor, the concern was expressed that the national leadership for an Americans with Disabilities Act was initiated in Washington, DC, and that is why that model worked in the United States.

The fact of the matter is that we can fix all sorts of accessibility problems in our province. We can make our restaurants, our theatres and our hotels more accessible, but all that will be for naught if we don't have jurisdiction over things like airports and airplanes in this province. So there is clearly a role for the federal government, but we are getting no serious commitment from the federal government in terms of support for persons with disabilities. I remind every member that Jane Stewart has a larger budget for Human Resources Canada than our Treasurer has to run the entire province of Ontario.

#### AUDIOLOGY SERVICES

**Mr Tony Martin (Sault Ste Marie):** —is having a devastating effect on families, adults, children and seniors across this province. I had three full-house public meetings in my own community of Sault Ste Marie and everyone—

**The Speaker (Hon Gary Carr):** Stop the clock. The members couldn't hear.

**Hon Brad Clark (Minister of Transportation):** The member's microphone wasn't on. We didn't hear who he was talking to.

**The Speaker:** Yes, if you could start over. They didn't hear who the first one was for. It's on now; it just wasn't at the beginning. You can start over.

**Mr Martin:** My question is for the Minister of Health. Minister, the delisting of audiology services is having a devastating effect on families—adults, children and seniors—across this province. In Sault Ste Marie, my own community, I met three times—public meetings, full house—over the summer. Everybody I met agrees that your decision is having devastating effects on people's lives, especially in northern and rural Ontario, where underservicing already exists.

In Sioux Lookout, where 300 patients a year require audiology services, they're concerned that the whole system is going to collapse if you don't do something about it. In Thunder Bay, parents of children requiring these vital services are raising similar concerns. Will you today tell these families, tell these people, these children, these seniors, that you will do the right thing and reverse yourself on this devastating delisting of audiology services?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I thank the honourable member for the question. I always appreciate that if there are particular circumstances that honourable members feel deserve the attention of the ministry, that they bring those to my attention. I'm taking the honourable member's comments in that vein. I can assure this House again that hearing tests and other audiological services remain available in this province. They are done through either hospitals or qualified physicians and they are paid for out of OHIP. That is certainly the system we're supporting. There are certain areas of the province, we know—and we have been working to fix this—where there is underservice for particular specialist programs or functions. We've been working very hard in the north, for instance, with the new northern medical school, of which we're particularly proud, and all of the recruitment and retention programs we use for medical physicians. If there's a particular instance and a particular circumstance where we should work together toward a better solution, then I'm certainly willing to take the honourable member's suggestion under advisement.

**The Speaker:** Supplementary.

**Mr Gilles Bisson (Timmins-James Bay):** Minister, if you want a suggestion, here's one. I've got a letter from Cochrane District Early Childhood Speech and Language Services. They provide services to the people of the northeastern part of the province. They're saying, "Going ahead with what you have done has put children at risk when it comes to the ability to identify a problem in the early years." They're saying that in the longer run, because they don't have access to services, because there are long waiting lists at the hospitals, we're under-



served as far as doctors in northern Ontario, these children are falling between the cracks and as a result we're not able to identify effectively in the early years the problem that's going to happen with these children when it comes to the ability to participate in the schools and to be able to learn.

Minister, we're saying to you, it's not just us, it's not just Gilles Bisson standing up as member for Timmins-James Bay; it's the people like Cindy Wilson from Cochrane district early childhood speech-language pathology who are saying to you in the end that you're wrong, you have to change your decision and you have to reverse yourself, otherwise these kids are going to fall between the cracks and we're going to have to pay a much higher cost at the end. Are you willing to listen to Cindy?

**Hon Mr Clement:** I do understand that the honourable member opposes the policy. It's a policy that's been in existence for 30 years; it's a policy that is based on the fact that medical professionals should have access to OHIP billing numbers. Under circumstances that has been expanded, but not very many circumstances. I understand their opposition to that policy, which was around, incidentally, when they were in power as well. But if the honourable member has a particular instance or circumstance where he thinks that there is a risk of someone falling through the cracks, give that information to me and we'll certainly take it under advisement.

#### AUTISM SERVICES

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of Community and Social Services. Minister, I ask you about lack of resources, support and programs for autistic kids in the city of Hamilton and, I would venture to say, across Ontario. In August you announced an expansion of the intensive intervention program, but that only covers kids up to the age of five. Frankly, after that, kids are left on their own, parents are left on their own and there is very little support available for them. The programs that are there are full, there are waiting lists for programs for kids, therapy is not covered, and parents who need a break on weekends and try to get some help can't get that help. So basically after the age of five, what you have said to these families and their kids is, "You're on your own. You take care of the problem."

Parents are getting frustrated. Last year, there was a \$75-million lawsuit launched against the government by parents trying to force to pay for therapy and support programs for kids beyond the age of five. You're clearly discriminating against these kids and their families. Will you commit today to look at and increase funding for programs, support service and therapy for kids who are autistic and their families when they go beyond the age of five, as it is covered right now?

1430

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children,**

**minister responsible for francophone affairs):** Providing supports to young children with autism is something on which we've worked tremendously hard. Six years ago in Canada, no government was providing preschool supports to young children with autism. In the 1999 budget, we committed to spend more than \$19 million on the early intervention program because the Autism Society Ontario, represented at the time by Trevor Williams, came forward and made a very passionate argument to say that it would make a huge difference in the lives of these young children by making a strategic investment.

I think we would all have liked to have seen these investments made five, 10, 15, 25 years ago under any political party. We're pleased it was the leadership role that we've taken in Canada. We were able to double that investment this year in the budget with the support of the National Children's Agenda and the support of the federal government, which I think shows the benefits of all levels of government working together.

We spend considerable amounts of money both through the special education part of our Ministry of Education in education supports, as well as through supports to people with developmental disabilities, which got a really unprecedented increase of more than \$200 million in this spring's budget. But I'm happy to take the honourable member's suggestion under advisement.

**Mr Agostino:** Minister, your self-platitudes mean very little to kids beyond the age of five. You've known there's a problem here. Constituents of mine like Anna Ferrelli, who's struggling with two autistic kids, are doing a great job. She was in my office, frustrated at the lack of services. The programs that are now out there are at the limit. In Hamilton, you have Woodview Centre with a long waiting list with 50 kids in there right now. The Hamilton Association for Community Living, which provides support on weekends and evenings, are at their limit and have a waiting list. The special services at home program that your ministry operates has 15 families currently on the waiting list. That clearly is a problem.

You've been told about this before. We can't let this situation continue. Parents should not have to be forced to take this government to court to get the most basic therapy and support for kids over the age of five. If it's good enough and right to provide those therapy and support programs for kids under the age of five, why isn't it good enough to provide those same services and support to those families and those kids beyond the age of five?

Minister, I'm not asking you to take it under advisement. I believe you know that this request is fair and reasonable and right. Will you today commit your government to increase the funding so that these kids beyond the age of five get the support and help they need in order to go on and become productive citizens, and help their families and help these kids so that they can go on and have the kind of future we all want for our kids?

**Hon Mr Baird:** I'm certainly prepared to take any suggestion from any member of the House, including the

honourable member, under advisement as we look at the expansion of supports to people with developmental disabilities and children.

The member asked a number of questions. The first question he asked was why we singled out young children under the age of six. It's because the Autism Society Ontario came forward and made a very powerful statement: "We could do so much with these young children, with the malleability of their brains in terms of what we can do at that early age to make a huge difference in their lives."

Not too long my colleagues and I went to the treasury and said, "This program is an outstanding success." We doubled it from \$19 million to \$39 million a year. We said we could do more to help people with autism, people with Down's syndrome and people with other developmental disabilities. In the budget presented by the Minister of Finance not more four months ago we got an unprecedented commitment to this area, the biggest increase in supports in Canadian history to people with developmental disabilities.

They said they wanted not only a budget increase this year but a multi-year funding commitment, which was made. Step by step we're making some tremendous progress in this area and we're continuing to work hard to improve the lives of people with autism and other developmental disabilities, regardless of their age.

#### PROJECT TRUTH

**Mr Garry J. Guzzo (Ottawa West-Nepean):** My question is for the Attorney General. During the Leduc trial in Cornwall in the months of February and March of this year, a previously sealed Ontario Provincial Police file was left open for over 24 hours. Mr Leduc is a lawyer in Cornwall. He'd been charged with 16 counts of sexual abuse of children. He's also the lawyer for the Archdiocese of Alexandria and was the lawyer when they paid over \$32,000 in hush money to have a criminal charge withdrawn. People with access to that previously sealed file have reported over 30 sections were included, each one pertaining to an individual under investigation by the OPP. Some of these people have been charged with criminal offences and some have not. Of those who have not been charged, one is reported to have contained over 1,000 pages of evidence and another 600 pages of evidence. Interestingly enough, some of those who were charged are reported to have files limited to less than 30 pages.

You reported in August that there would be no further charges forthcoming. I have to accept that. I haven't seen that file; you have. But I would ask you today, sir, if you would assure the House and the residents of eastern Ontario that this file, this evidence, will be secured and remain in the hands of your department pending criminal cases before the courts, civil actions before the courts and any private prosecutions which might follow.

**Hon David Young (Attorney General, minister responsible for native affairs):** As the member is

undoubtedly aware, the Project Truth investigation has concluded that at this juncture there are no further criminal charges to be laid. That conclusion was made after consultation with the Attorney General's office. That is a usual way of proceeding. The crown was asked for some advice; that advice was provided. But ultimately, it is up to the investigating police officers to decide whether or not to lay a charge. In this instance, the decision was to not lay any further charges.

I will say to the member that any information that was shared with the crown attorney's office was returned to the police, as is the usual course. But I will also say to you that the crown attorney's office will maintain and retain copies of the files, as is appropriate, pending completion of the court process that's in place now and for any additional period of time that is appropriate.

**Mr Guzzo:** If I have an undertaking from the Attorney General that this material is going to remain in his hands, I accept that. I think it's rather significant, though, and very important to notice that it's difficult: it's obviously difficult for the crown and the police to get convictions on matters that are 30 years old, even if in fact the alleged victims went to the police and crown attorney 25 and 20 years ago and were rebuked by the people in the CA's office and the police department at that time. But we also know that some of the corroborative evidence that is necessary was destroyed. The films that would provide the corroborative evidence were destroyed. They were illegally seized; they were not returned to their appropriate owners and they were illegally destroyed. You have this evidence and you have control of this evidence, and it's for that reason that the people of eastern Ontario look to you, sir, to maintain not copies but the originals that will aid in other prosecutions that might come forward.

**Hon Mr Young:** I can assure the honourable member that any information shared with our ministry in the course of the investigation will be appropriately retained pending completion of any and all court proceedings relating to this matter. I also say to you that this material will be retained for an additional period of time as is warranted.

#### COMMUNITY CARE ACCESS CENTRES

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My question is for the Minister of Health and Long-Term Care. In my riding, the CCAC that serve the area of Kingston, Frontenac, Lennox and Addington was forced to restrict the admission of new patients for community care services. In Hastings and Prince Edward counties, the CCAC regrettably has had to reprioritize the eligibility requirements of their patients who might qualify for home services. My offices have been deluged with calls from people who have had home services reduced or denied.

The decision to freeze CCAC budgets at last year's levels is, in reality, a reduction in the dollars that you actually provided to them last year. Since this regressive



policy decision, people in need of community health care in my riding and throughout Ontario have been made to suffer because of your lack of commitment to provide for the care they need and deserve. The additional dollars you have invested in CCACs since 1995 have not kept pace with the demands within the community.

Minister, you have a responsibility to recognize the crisis in community health care and act immediately to provide the resources that CCACs require to meet the needs of the sick people of Ontario. Will you do it?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I'll refer it to the associate minister.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I'd like to thank the member opposite for the question. As the member across knows, there has been unprecedented funding in the CCACs across the province since 1995. I'd like to remind the member that the budget of her CCAC has gone from \$20 million to \$25 million and that those dollars have gone to improve the quality of care in her area.

I also want to remind her that we have undergone a review process, because we have some concerns about the way that funding is spent in CCACs. When we did an operational review in Hamilton, there were some concerns about management, there were some concerns about expenditures, the equity funding across the province, so we've entered into a review because we intend to make health care in the province of Ontario stronger, and a better quality of care for the people of Ontario.

1440

**Mrs Dombrowsky:** Let me tell you about the quality of care in my area. Last week, in the Kingston Whig-Standard, Tanya Ambrose, from the riding of Leeds-Grenville wrote about her 75-year-old mother, who was released from hospital after surgery. The patient was released into the care of her 85-year-old husband. She returned to emergency the next morning because her incision was open, bleeding and draining profusely. The doctor cleaned her wound and sent her home again. Ms Ambrose requested that a nurse visit just twice a week to check on her mother's progress and she was told that all new home care visits had been terminated in order to save money. Ms Ambrose wrote to the Whig-Standard:

"My parents worked all their lives, helped others selflessly, paid taxes honestly—and now, when they should be able to expect some of those taxes to pay for a few hours of nursing care, the government slammed the door in their faces." Further, in her letter she states, "A year ago, the Ontario Conservative government told us that we had such a budget surplus that it could afford to send \$200 [cheques]....Even today the government can afford to give ... a tax cut. Where are its priorities?"

Minister, will you make the pressing needs of CCACs a priority and provide the resources they need to help sick people?

**Hon Mrs Johns:** Let me be very clear that this government has made community health care and community care access centre funding a priority. The dollars have increased—

*Interjections.*

**Hon Mrs Johns:** I think you should listen. The dollars have increased—

*Interjections.*

**Hon Mrs Johns:** You're not interested in this, are you? The dollars have increased in community care access funding, in community spending, 440% since the Liberals were last in power. We have a commitment to making sure that we fund community care access centres.

Let me say that the community care access centre in this area chose an unprecedented way of controlling health care in their area. They said that they would stop funding within the community care access centre and would only fund for people with cancer, palliative care and elderly patients. In this particular example it sounds like they should have received care, because that's what community care centres are all about—ensuring that people get the care they need in their home when they need it. That's why there's been a 22% increase in funding in this area and that's why this area has a 34% increase in funding over every other area in the province of Ontario.

#### ENVIRONMENTAL PROTECTION

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Minister of the Environment. As a citizen of this province and as a representative of the people of Perth-Middlesex, I know that environmental protection is of paramount importance, particularly water, air and soil, as the quality of the environment has a direct relation to quality of human health. I would ask the minister if she could describe to this House what specific actions and programs the provincial government is carrying out to ensure that environmental quality is maintained—

**Mr John Gerretsen (Kingston and the Islands):** You could at least wish her a happy birthday, Bert.

**Mr Johnson:**—even in Kingston and the Islands—and compliance with the regulations is enforced.

**Hon Elizabeth Witmer (Minister of the Environment):** Certainly, the environment is a very significant issue for our government. We take the issue very seriously. That's why we have increased the number of individuals, in order that we can better enforce the rules and regulations. We've hired an additional 130 individuals in investigative and enforcement-related activities. We've introduced the SWAT team. This is a highly mobile compliance inspection and enforcement unit and it is the very first team of its type in Ontario's history. They have been conducting a province-wide compliance and enforcement program and they have primarily been focusing on those individuals and those companies that deliberately pollute our environment.

**Mr Johnson:** My supplementary is in two parts. The first one is, if today is your birthday, Minister, can I, on behalf of all of us here, wish you a very happy one?

The other part of it is, due to the SWAT team being made permanent, there's been an increase in government staff in the field of enforcement and investigation. Could

you please comment on how the statistics and figures on the number of fines and charges laid have been altered in relation to this increase in enforcement staff?

**Hon Mrs Witmer:** We've increased the number of individuals who deal with enforcement and investigation since the year 2000 by 130. The SWAT team comprises 65 people. I'm very pleased to say that as a result of the increased enforcement and compliance activities, in the first six months of this year, the number of fines has increased by \$1 million, or 118%. The investigators also laid 23% more charges in the first six months. The number of charges laid in 2000 increased by 48% from 1999.

Thus, I am very pleased to say that as a result of the additional resources, the new SWAT team and the activities that are ongoing throughout the province of Ontario, we are better protecting the natural environment and public health.

### COLLÈGE DES GRANDS LACS

**M. Gilles Bisson (Timmins-Baie James) :** Ma question est adressée au ministre délégué aux Affaires francophones. Monsieur le ministre, vous savez la grosse controverse qu'on a présentement avec le Collège des Grands Lacs. Un conseil d'administration a décidé de prendre une décision, quand il n'y pas même eu un quorum à leur meeting du CA, pour fermer le Collège des Grands Lacs ; un CA qui dit qu'il va y avoir un meeting demain soir du CA sans avoir aucune participation par le public, ce qui est contraire à la loi, comme vous le savez bien, qui gouverne ce collège.

La question qu'on a pour vous est très simple. On a présentement avec nous aujourd'hui ici à l'Assemblée des représentants des étudiants et autres du Collège des Grands Lacs. On vous demande, êtes-vous préparé à intervenir dans ce dossier directement pour les étudiants pour les assurer qu'ils vont continuer leur éducation à un établissement ici à Toronto pour finir leur éducation ?

**L'hon John R. Baird (ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones) :** On savait très bien que le conseil du Collège des Grands Lacs a lui-même pris une décision. J'ai eu l'occasion et mon bureau a eu l'occasion de parler à mon bureau avec le directeur de l'école. Je suis toujours prêt à travailler avec toute la communauté francophone pour être sûr que les étudiants ont une place où continuer leurs études, si c'est possible. Je suis toujours prêt à parler et à travailler avec ma collègue la ministre des Collèges et Universités dans le domaine de la provision de bons services en français. C'est bien sûr une décision qui a été très difficile pour le collège, et c'est un grand problème pour les étudiants qui sont là. Je suis heureux de travailler avec le député du Nouveau parti démocratique et avec ma collègue la ministre des Collèges et Universités sur ce problème.

**M. Bisson :** Monsieur le ministre, j'ai un peu un problème avec votre réponse. Vous savez, comme moi, que le Collège des Grands Lacs a un budget d'au-dessus

de six millions de dollars. Avec ces six millions, certainement ils sont capables d'offrir des programmes aux étudiants ici à Toronto.

Si j'entends bien ce que vous me dites, vous dites que vous acceptez la décision du CA. Comment êtes-vous capable de faire ça quand la loi est claire ? Il y a eu une décision qui est contraire à la loi, selon la loi qui gouverne les meetings du CA. Il n'y a pas eu de quorum. Là, ils veulent se rencontrer à huis clos, sans la participation du public, fermé complètement au public, ce qui est contraire au règlement sous la loi elle-même.

Je vous demande simplement deux affaires. Premièrement, je veux qu'on se rencontre avec les étudiants cet après-midi après la période des questions. Oui ou non ? Deuxièmement, êtes-vous préparé à intervenir pour les assurer qu'ils vont continuer leur éducation ici à Toronto, non à Sudbury ?

**L'hon M. Baird :** Je suis, bien sûr, toujours prêt, comme j'ai dit dans ma première réponse, à continuer de travailler avec le député du Nouveau parti démocratique. Ma collègue la ministre des Collèges et Universités a eu une lettre qui avait été écrite par le chef du conseil qui a dit qu'il y a eu un quorum dans la réunion dont le député a parlé.

Bien sûr, c'est très important. Ce n'est pas seulement les 60 étudiants qui allaient au Collège des Grands Lacs ; c'est l'avenir des études en français dans le sud de l'Ontario, pas seulement ici dans la ville de Toronto mais dans le sud-ouest, dans les régions de Hamilton et de Niagara et, bien sûr, dans la région du grand Toronto.

Cette décision que le conseil a prise, c'est leur décision. C'est une décision qui a été très difficile pour les membres du conseil à prendre. Notre challenge était de travailler avec tout le monde pour—

**The Speaker (Hon Gary Carr) :** Order. I'm afraid the minister's time is up.

1450

### SILICOSIS

**Mr Michael Gravelle (Thunder Bay-Superior North) :** My question is to the Minister of Northern Development and Mines. I want to ask you about a very alarming issue in the Hemlo Gold Mines in my riding related to the issue of silicosis. Silicosis, as you know, is a disabling, irreversible, often fatal disease that we all thought was part of a bygone era. Yet at the Hemlo Gold Mines in the last few years we've seen an extraordinary increase in the number of cases of people who have been diagnosed with silicosis. In fact, there were five authenticated by the Ministry of Labour last year. We think there are many more. There is a great deal of concern about this, because it shouldn't be happening.

We're also very concerned about the actions that have been taken by the government. We know, for example, that this trend has taken place when we saw the medical monitoring that was controlled by the Ministry of Labour decentralized, which we think was a big mistake. In fact, the mine management and the union people all agree on



that one issue. We also know that the air monitoring has been very inconsistent and is often being done with lots of warning being given, which we don't think is a good idea, and often in places where there is no equipment.

My question to you is, because this is an issue of extraordinary concern to many of my constituents, what are you doing about this? Have you been involved in this? Will you at least work with the Minister of Labour to see that the medical monitoring is returned to the responsibility of the Ministry of Labour? Clearly that is one of the reasons why this has happened.

**Hon Dan Newman (Minister of Northern Development and Mines):** I do share concern with the member on this issue. I know the Minister of Labour can best answer that question.

**Hon Chris Stockwell (Minister of Labour):** We certainly agree that it's a very serious issue. I think everyone understands the importance of the health risk and those issues that go with it.

I will note that I've spoken to you about this issue personally; we've talked about it. You were quoted very recently in the paper as saying that you're hearing good things about how the ministry is dealing with this from workers and unions and officials in the north. I thought that we had a relationship, that we were trying to work to the same ends. The ministry's inspectors have been in there. I've also had my opportunities to meet with Nancy Hutchison and deal with the issue straight up.

I'm not here to make any political partisan points; I know you aren't as well. If you'd like to sit down and chat about this—we'll update you on how we're monitoring, how many more inspectors are going in, how we're dealing with the issue—I'll be very happy. This is not a political issue. I know you treat it that way. I feel the same. Let's sit down and see if we can work out an arrangement.

## PETITIONS

### CRUELTY TO ANIMALS

**Mr Mike Colle (Eglinton-Lawrence):** To the provincial Legislature of Ontario:

"Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

"Whereas the Ontario Society for the Prevention of Cruelty to Animals needs more power to inspect and control animal kennels or breeders;

"Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

"Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities and also strengthens the powers of the Ontario Society for the Prevention of Cruelty to Animals to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the Society for the Prevention of Cruelty to Animals to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public."

I affix my signature to this petition.

### OHIP SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition sent to me by Dave Johnson, who is the recording secretary for the United Steelworkers of America, local 677, in Kitchener. I thank him for it. It reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, nerve therapy stimulation and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

This is signed by hundreds of people in the Kitchener area. I agree with the petitioners and I've affixed my signature to it.

### AUDIOLOGY SERVICES

**Mr Rick Bartolucci (Sudbury):** I have a petition to the Legislative Assembly of Ontario. It's entitled:

"Listen: Our hearing is important.

"Whereas services delisted by the Harris government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario"—such as northern Ontario—"and

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I affix my signature to this petition, as I am in complete agreement with it.

### CRUELTY TO ANIMALS

**Mr James J. Bradley (St Catharines):** This petition is to the Legislative Assembly of Ontario:

"Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

"Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

"Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

"Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities and also strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the Society for the Prevention of Cruelty to Animals to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public."

I affix my signature, as I am in complete agreement with this petition.

### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr David Christopherson (Hamilton West):** I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas the recipients of benefits under the Ontario Disability Act have not received a cost-of-living increase since a \$2.50 increase in 1987; and

"Whereas the cost of living in Ontario has increased in every one of the years since, especially for basic needs such as housing, food, utilities, transportation, clothing and household goods; and

"Whereas disabled Ontarians are recognized under the Ontario Disability Support Program Act, 1997, and as such have the right to have their basic needs met, including adequate housing, a proper and healthy diet, a bed that does not make them sicker and clothing that fits and is free of stains and holes; and

"Whereas their basic needs are no longer being met because the Ministry of Social Services has not increased the shelter and basic needs allowance of disabled Ontarians eligible to receive benefits under the Ontario disability support program to reflect the increased costs of shelter and basic needs (and in fact have reduced these benefits for those recipients who receive a disability benefit under the Canada pension plan); and

"Whereas a new Ontarians with Disabilities Act has yet to be introduced to help protect the thousands of vulnerable people in Ontario who are dependent on others for their basic needs and care and who are eligible for benefits under the Ontario Disability Support Program Act, 1997;

"Therefore we, the undersigned citizens of Ontario, request the Ontario Legislature to urge the government to respect their own definition of basic needs and provide a cost-of-living increase to recipients of benefits through the Ontario Disability Support Program Act that is sufficient to cover the increased costs of their basic needs as of 2001 prices, and that this benefit not be reduced as a result of increases in the Canada pension plan benefit."

As I'm in support, I add my name to those of the petitioners.

1500

### ONTARIO PUBLIC SERVICE

**Mr Pat Hoy (Chatham-Kent Essex):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the November 2000 announcement of massive privatization of Ministry of Transportation services will have a significant detrimental effect on citizen road safety, confidentiality of citizens' information and on the economy of Ontario; and

"Whereas the employees of the Ministry of Transportation are recognized in writing by the provincial government to have provided excellent service on the government's behalf; and

"Whereas the government of Ontario is taking away the livelihood and decreasing the standard of living of thousands of employees and families by its actions both directly and indirectly through spinoff effects; and

"Whereas citizens of Ontario are entitled to safe roads, consistency in driver testing, and competent inspection of trucks, school buses and vehicles carrying dangerous goods; and

"Whereas communities continue to need to retain decent-paying jobs if they are to maintain viability and vibrancy; and

"Whereas we taxpayers have entrusted the provincial government with the maintenance of public safety with



an apolitical and efficient public service, a service free of profiteering and protected from conflicts of interests; and

"Whereas privatization is an abdication of such public trust;

"We, the undersigned, petition the Legislative Assembly of Ontario to place a moratorium on all further privatization and to restore and promote public service as being of significant value in our society."

I have signed this petition.

#### OHIP SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition that has been sent to me by the AWIC Seniors' Club here in Toronto. It reads as follows:

"Whereas the provincial government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, nerve therapy stimulation, and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I agree with the petitioner. I have affixed my signature to it.

#### HOME CARE

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I have a petition to the Legislative Assembly of Ontario.

"The government of Ontario is reducing homemaking hours for the elderly and special cases. It is also reducing stays in hospital after surgery or illness by promising more homemaking at home, and yet the government is reducing those hours. The elderly are on a fixed income and cannot afford to pay privately to supplement the lost services.

"We, the undersigned, request that the government of Ontario review their intention to revise their home care

policy and we also request that they reinstate the services withdrawn to this point."

That's signed by 1,100 of my constituents.

#### FOREST INDUSTRY

**Mr Michael A. Brown (Algoma-Manitoulin):** I have more petitions from the town of Wawa.

"To the Legislative Assembly of the Province of Ontario:

"Whereas the Ministry of Natural Resources called for proposals with respect to surplus northeastern Ontario hardwood;

"Whereas Wawa Forest Products submitted a proposal for this surplus northeastern Ontario hardwood which included the building of a manufacturing facility in Wawa within the township of Michipicoten;

"Whereas on April 6, 2001, the Ministry of Natural Resources announced allocations of a portion of the surplus northeastern Ontario hardwood to Grant Forest Products in Timmins and Englehart, and Algoma Mill Works in Blind River;

"Whereas the residents of the township of Michipicoten believe that the proposal submitted by Wawa Forest Products is viable and will result in a desperately needed economic boost to the community and provide the industrial assessment needed for the continued viability of the community;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Natural Resources arrange a meeting between officials of the Ministry of Natural Resources, Wawa Forest Products and the township of Michipicoten. The reason for such a meeting is to coordinate a consensus on minor differences that may exist in the plan submitted by Wawa Forest Products. It is the hope of the township of Michipicoten and its residents that such a meeting would result in the construction of the Wawa Forest Products mill in Wawa."

I affix my signature to this petition.

#### OHIP SERVICES

**Mr David Christopherson (Hamilton West):** Further petitions from Hamilton:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, transcutaneous"—that's why we've all avoided

that one—"nerve therapy stimulation and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I add my name to this petition.

### LONDON HEALTH SCIENCES CENTRE

**Mr Steve Peters (Elgin-Middlesex-London):** To the Legislative Assembly of Ontario:

"Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario; and

"Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

"Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

"Whereas these cuts will put the health of the people of southwestern Ontario, and particularly children, at risk; and

"Whereas these cuts will diminish the London Health Sciences Centre's standing as a regional health care resource; and

"Whereas these cuts will worsen the continuing physician shortages in the region;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Mike Harris government take immediate action to ensure that these important health services are maintained so that the health and safety of families and children throughout southwestern Ontario are not put at risk."

I'm in full agreement and will affix my signature hereto.

### ORDERS OF THE DAY

#### TIME ALLOCATION

**Hon Brad Clark (Minister of Transportation):** I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 65, An Act to permit the Minister of Transportation to delegate to persons in the private sector powers and duties and responsibilities to deliver services relating to road user programs, when Bill

65 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment; and

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted; and

That when the order for third reading is called, the remainder of the sessional day shall be allotted to the third reading stage of the bill, to be divided equally among all recognized parties, and at the end of that time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding "Deferred Votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

#### 1510

I'm very pleased today to rise in the House and bring forward a motion for time allocation on Bill 65, the Improving Customer Service for Road Users Act, 2001. The honourable members of the House know that our government believes that the essential and proper role of government for the most part is to manage public services rather than deliver them directly. We have promised to explore alternative approaches to service delivery. We said so in our 1999 Blueprint document. We repeated that promise again in this year's speech from the throne. Bill 65 builds on that promise. We also made it clear, in bringing this bill before the House for first and second readings, that if passed this bill will deliver on some key issues that Ontarians have come to expect from their government. Those issues include better customer service, protection of privacy for all citizens and continuing support for road user safety programs in this province.

We believe that a clause-by-clause examination is not required, as this bill has already undergone extensive scrutiny. Since this bill was first introduced in the House, it has been significantly changed to address the feedback that we have received. We have met with our stakeholders, such as the Ontario Public Service Employees Union. We have listened to their concerns. We have also heard and responded to the concerns of the opposition. We have amended the bill to reflect these concerns and we believe no further amendments are called for.

We believe that time allocation will ensure that this bill will not be held up in repetitive debate, and if this bill is passed, the people of Ontario will realize its benefits. We believe it is in the best interests of the people of Ontario to move this legislation forward.

This legislation is, first and foremost, about better customer service. Better customer service is and always has been our intent. Bill 65, which we have before us now, would deliver on our goal to improve customer service in this province through alternative service delivery. It's all about customer service. It's also about accountability. Alternative service delivery of public



services is an important part of this government's commitment to accountability. We have also pledged to provide high-quality services to Ontario's taxpayers while ensuring that they receive value for their money.

Our actions are also about strengthening the economy. Premier Mike Harris reinforced that pledge recently when he stated that this government will continue to take the strong action necessary to keep Ontario safe and prosperous. That included a commitment to greater security province-wide and to protect Ontario's trade and economic growth potential, a call for harmonization of rules and customs procedures with the US as well as meetings with other leaders to boost trade and reinforce relations.

As members know, the government has also accelerated the timing of personal income, capital and corporate income tax cuts, which were originally planned for January 1, 2002, and implemented these tax reductions immediately.

Alternative service delivery would build on those measures designed to improve service and boost the economy. Alternative service delivery would ensure that the services received by taxpayers are modern, safe, efficient and cost-effective.

I can tell you that we have worked hard to make the promise of alternative service delivery a reality. We currently have more than eight million licensed drivers in Ontario, out of a population of 11.5 million. Increased growth in population is estimated at an additional two million more by 2015. There are currently more than nine million registered vehicles in the province. These numbers continue to grow every year. A large part of that growth is due to the overwhelming economic success of this province. It demonstrates that this government has put the right economic building blocks in place by focusing on sound financial management, a competitive economy, jobs and growth. And as our population continues to grow, we will find increased demand for driver services.

The Ministry of Transportation is responding to an established need. By permitting my ministry to transfer the delivery of some road user services and programs to other providers, this bill would improve customer service to the public. At the same time, my ministry will still be mandated under the proposed legislation to protect the public interest.

The bill includes important provisions to protect the privacy of individuals and to safeguard the confidentiality of their personal information. Yet some concerns have been raised about the bill, especially with respect to privacy. I would like to put some of those concerns to rest right now. For instance, it has been suggested that personal information in databases would be at risk in the hands of the private sector. The fact is that MTO would retain custody and control of all databases related to driver and vehicle information. Service providers would have access to limited information only. They would only be allowed to see the information required to conduct specific transactions, as delegated by my ministry.

Another opposing point is the argument that the public, rather than the private, sector can better protect privacy. This is patently not true. Privacy would be protected to the same level under Bill 65, as it specifically ensures that the Freedom of Information and Protection of Privacy Act applies to all new service providers. Therefore, the applicable records would always remain under the control of the ministry.

One of the first initiatives under this proposed legislation would be the transfer of driver exams. Yet it has been suggested that privatization would result in the inconsistent delivery of these exams. Again, the facts speak for themselves. To ensure a consistent approach and to ensure effective contract management and adherence to consistent standards, Ontario would seek one service provider to deliver driver examination services across the province. The ministry would maintain a strong role in ensuring that the new service provider fulfills its obligations as per its contract with the government. As well, the government would continue to set and enforce standards.

Some detractors would also suggest that driver licence testing is, by its nature, strictly a public service. The truth of the matter is that there is nothing in the concept of driver licence testing that makes it inherently a public service. Many professionals, such as teachers, doctors and lawyers, are licensed under a variety of systems, including private institutions. We have also heard the erroneous accusation that under Bill 65, patronage would be rampant—again, not true. Every contract awarded under Bill 65 would be awarded through an open, competitive and fair process.

To those who might suggest that privatizing road safety and driver examination services risks safety, I would like to offer my assurances that at no time will road safety be compromised. Under new service providers, the ministry would continue to develop policies, legislation and regulations, just as it does today. We would continue to safeguard the public interest at all times, regardless of what services are delivered by ministry staff or other service providers. My ministry's role would be one of ensuring the service providers meet all legislative and contractual obligations. We would continue to establish standards and set curriculum, as well as train the service provider trainers.

The risk of increased incidence of fraud and corruption has also been raised as a possible problem with respect to the bill. On that issue, it should be noted that measures are currently in place to address the issue of fraud, and those measures would continue under any new service provider. We would also institute a performance management system that ensures accountability. We would rigorously audit and monitor the service provider to ensure standards are met. And, as it is dealt with today, any instances of fraud would involve a police investigation and ultimate prosecution.

Under the proposed legislation, alternative service providers would be required to abide by the provisions of the Freedom of Information and Protection of Privacy

Act with respect to their actions on behalf of the ministry. Additionally, alternative service providers would be mandated to create the position of privacy officer. The privacy officer would be responsible for securing all customer records related to the delegated business. I am very pleased and proud to advise the members of this House that this legislation has received accolades from Ontario's own Information and Privacy Commissioner. In a letter to me, dated June 11, 2001, the privacy commissioner states, "The manner in which private service providers have been made subject to the Freedom of Information and Protection of Privacy Act is laudable.... This legislation, as well as the process through which privacy has been addressed, will serve as a good example to other government institutions, in the event they decide to provide services through private service providers."

1520

We're proud of this support. As well, we have received support from other parties interested in protecting the public interest. The Canada Safety Council president, Emile Therien, says, "Privatizing driver testing makes a lot of sense. It will improve safety by providing testing when it is needed. Driver testing is a government function which can and should be privatized in the interests of safety." That from the Canada Safety Council president, Emile Therien.

The Insurance Bureau of Canada had similar praise. Mark Yakabuski, the bureau's Ontario vice-president, says, "Allowing alternative service delivery for driver examinations will solidify the enormous success that Ontario's graduated licensing program has already achieved in its few short years of existence. We hope that other jurisdictions will emulate Ontario's leadership in this important area."

I again want to stress that as we transfer the delivery of services to other providers, road safety in this province will not be compromised. Indeed, the safety of all road users remains a high priority for this government and for the Ministry of Transportation. In terms of road safety, I am pleased to let the honourable members know that Ontario has moved into first place in Canada; in fact, in North America, Ontario is second only to Massachusetts. Even though there are more vehicles and licensed drivers on our roads than ever before, Ontario has the best record in Canada, with the fewest number of fatalities per 10,000 licensed drivers.

The priority this government has placed on road safety in the past several years has contributed to this important milestone. We have implemented new road user safety programs, including an immediate 90-day suspension for drivers who have been drinking, impoundment of any vehicle being driven by a person who is suspended under the Criminal Code for driving-related convictions, impoundment of critically defective commercial vehicles and higher fines and sanctions for a wide range of offences. Our fatality rate in 1999 dropped to 1.10 per 10,000 licensed drivers, marking the 11th consecutive year of improvement.

It goes without saying, however, that even one fatality is too many. Clearly, road safety is a priority that must be

addressed through a commitment by the ministry to the highest standards possible in developing and delivering effective programs. Part of delivering effective programs is providing quality customer service. The ministry has already made some significant customer service improvements that would address the growing population of Ontario drivers. In 1999, for instance, the ministry introduced several measures designed to effectively address customer service issues at our provincial driver examination services. Under those new measures, the ministry hired more than 300 driver examination staff on a temporary basis. The ministry has also opened temporary driver testing facilities and expanded the hours of operation at several provincial testing centres. As a result, the Ministry of Transportation was able to offer more road tests and we have reduced the average waiting time province-wide for driver examinations.

But it was also clear that we needed to do more. That is why the transfer of driver examination services to a new service provider is being considered as the first major initiative under this bill. It is clear that alternative service delivery of driver examinations would bring innovation and greater flexibility in the way the services are delivered. Under a new service provider, the ministry is committed to reducing the wait time for road tests to six weeks or less across the province.

As all of the honourable members know, this government has already taken a number of measures to address the growing service pressures around driver examinations. In particular, we have sought to reduce the long waiting times faced by people in some parts of the province when booking their driver exams. We have made clear progress in this regard, but we also believe there is further room for improving service delivery. By transferring the ministry's driver examination business to another service provider, the Ministry of Transportation would build on customer service improvements that have already been achieved and offer enhanced service to the public in the future.

The Ministry of Transportation has done its homework and has studied how driver exam services have been improved by the private sector elsewhere. Jurisdictions like Alberta and Michigan report high customer satisfaction after adopting alternative service delivery models. The ministry learned from other jurisdictions' successes and from their failures. As a result, we can be confident that our made-in-Ontario solution for the delivery of driver exams will reflect the best of all experiences.

Although the transfer would affect many ministry staff, we can also be confident that a new service provider would need and want to take advantage of the considerable skills and professionalism of our existing staff. A new provider of driver examination services would need a flexible, multi-skilled workforce, people who can perform in a high-demand environment with new and changing relationships. It has been suggested by some that we are dismantling a service in which vital civil service jobs would be threatened. There is no dismantling. In fact, we are strengthening my ministry's role



in the delivery of services, as I mentioned earlier, through maintaining a strict control over how private sector agencies would do business.

With respect to jobs, it should be noted that job offers, as required under the collective agreements of those affected staff, would be a mandatory part of any contract with a service provider and many ministry driver examination staff may find opportunities with the new employer. This has been fully discussed with the governing union.

As I advised the House when I introduced Bill 65 for first reading, the proposed legislation has been written to address a number of important issues. For example, as part of the driver examination model, provisions would be in place to ensure that driver testing in Ontario continues to be fair and objective. As well, checks and balances would be in place to ensure that drivers who receive a licence from the province of Ontario continue to be required to meet our high standards for driving skills, as well as knowledge of the rules of the road.

Clearly, a new service provider would ensure consistency and support for our driver examination programs. For instance, the new system would provide support to, and enhance, Ontario's graduated licensing system. In itself, the graduated licensing system has been an unparalleled success story since it was introduced six years ago. A new service provider would help this program continue to build on its successful track record.

To ensure that driver testing in Ontario is delivered consistently in all parts of the province, the ministry would seek a single service provider to deliver driver testing services province-wide. Taxpayers would know exactly who is responsible for providing these services and who is accountable for their timeliness, cost and quality.

Under this new service delivery model, MTO would continue to play a vital role in the licensing of drivers on the province's roads. The ministry would establish the standards and curriculum for driver licensing. It would also train the service provider's trainers, and MTO would ensure the service provider's compliance with all of its legal and contractual obligations. As the service manager, the ministry would continue to develop policy, legislation and regulations on driver examination services, just as it does today. Moreover, the government would continue to set regulated fees for driver testing.

Under the new service delivery model, the service provider could elect to offer new value-added services to the public and would have the right to determine what fees it would charge for those value-added services. However, those services would first require approval by the Ministry of Transportation before they could be implemented. It should be emphasized again that no new services would be allowed before my ministry has had an opportunity to review them.

As I said earlier, alternative service delivery is all about serving customers better and finding more flexible and innovative ways to deliver the services. It's about dealing with growing demand in ways that are smarter

and more effective. The Ministry of Transportation will continue to be accountable for establishing quality standards throughout Ontario's transportation sector and for ensuring that every driver—every driver—who receives a licence is qualified to hold one.

Our government remains committed to examining the province's assets and the services it provides to the public, and if there is a better way to deliver those services, rest assured we will pursue it. This bill would bring us closer to that goal, and I therefore ask for the full support of this House.

**The Speaker (Hon Gary Carr):** Further debate?

1530

**Mr Gerry Phillips (Scarborough-Agincourt):** I'm pleased to join the debate on the time allocation motion. The minister has talked a lot about the advantages of privatization. I just want to talk about the one that the government quotes most often, and I will tell the people of Ontario my experience with it, and that is the 407.

This was a deal where the provincial government sold the highway for \$1.6 billion more than it cost to build. How were they able to do that? They were able to do it by essentially selling 407 toll road users down the road. It was no coincidence, by the way. If you look at the 407 press release, which I have here—when do you think the closing date was on the 407? When do you think the cheque was dated for the extra \$1.6 billion? May 5, 1999. The day the election was called, \$1.6 billion came in for a pre-election slush fund for the Harris government. The taxpayers may say, "Isn't it great that we sold it for \$1.6 billion more than it cost to build?" Believe me, the only way that was able to happen was because the users of the 407 are going to pay for 99 years. I remember the discussion here in the Legislature—and the reason I'm raising this is that the minister has indicated the great advantages to the public of privatizing these things, but we were told in the Legislature that the 407 might be sold for 30 years and then revert back.

I want to go over several things we were told at the time when it was sold that then turned out not to be the case. This is what the government said when they sold it, "Tolls can be adjusted by 2% per year plus inflation for the first 15 years and thereafter by inflation only." This would mean that tolls could increase by about three cents per kilometre over the first 15 years; in total, after 15 years, up three cents a kilometre. Lo and behold, as I say, the thing sold on May 5, 1999, and then the 407 owners—and I don't know how they were able to do this, because the government told us they couldn't do it. The first big increase was on September 27, 1999. This was like five months after they bought it. The next big increase was on May 1, 2000; the next big increase, January 1, 2001. In most cases the tolls went up by 57%. You remember what I read, and the government said, "Listen, trust us. Tolls are only going to go up three cents a kilometre." They've already gone up four cents a kilometre.

Originally the peak hours—and this is when you pay the extra money. The peak hours when the road was originally sold were from 5:30 am to 9:30 am and from

4 pm to 7 pm through the week, five days a week. Do you know when the peak hours are now? The peak hours are now every single day from 6 am to 11 pm. That's the peak hours now, seven days a week, Saturdays and Sundays. The cute little arrangement here, the 407, in my opinion, is ripping off the poor users of the 407.

The minister mentioned that you can use freedom of information to find out. The 407 owners have been raising money on the market and in that prospectus there's a paragraph that says, "In order to understand this prospectus"—it's about that thick because they're raising hundreds of millions of dollars—"you must come to our office and read something called the 'tolling agreement.'" I phoned them and said I'm coming out to read the tolling agreement. I told them who I was, an MPP, and I'd like to read the tolling agreement. The vice-president said, "All right, come on out, but you have to be prepared to invest." I said, "That's possible." "Yeah, but it could be \$100,000." "All right." Then when he realized he was trapped, he said, "Oh, by the way, you have to sign a confidentiality agreement saying you will never reveal anything that you see in this deal."

I have been fighting now for a year and a half, coming up to two years, to get access to that tolling agreement. I would just say that every investor in Ontario who has \$100,000 has access to it, but I and the public can't get it. I smile when the minister says, "This is all subject to freedom of information." I've been at it almost two years to get access to something that investors who have \$100,000 can get. I would just say to the people of Ontario, the great 407 privatization has been for the users of the 407, a 99-year rip-off, and I feel badly. What should have happened in that case was that the road should have been sold for cost to whoever would guarantee the best long-term deal for the users—they deserve a profit—but that isn't what happened.

The reason I raise it is because the minister today said, "Privatization is a huge advantage." I'd say that is not the case for 407 users. "Don't worry about freedom of information, because we'll make sure you get it." I've been trying. I still have appeals over there. I'm fighting the best lawyers that toll road users' money can buy to keep me from getting that information.

I might add, I have reason to believe—again, I can't find this out—that the 407 owner pays Ontario \$5 million a year for confidential information on people's driving. As I read their prospectus, it appears to me that they are acting on behalf of toll road owners in the US to collect tolls up here for them and in turn get them to collect tolls down there for Americans who have used the 407 tolls. So when the minister says, "Trust us on privatization; this is all a great deal," I would just say to the 407 users, beware.

The minister also talked today about, "This is simply part of our economic plan." I have the budget here, and in the budget the government says that in Ontario we're going to see job growth this year of 150,000 and job growth next year of 175,000. I would just say, in the last four months alone—and the statistics that came out were not influenced by the September 11 tragedy—Ontario has

lost 26,000 jobs. We haven't been gaining, we've lost, and this was before September 11. Two major banks have done their economic forecasts for Ontario and over the two-year period, using their numbers, Ontario is going to fall between 200,000 and 250,000 jobs short of the predictions in the budget. I raise this because with September 11, obviously, the problems have been exacerbated, but before that we were running into problems. So the minister said, "Trust us on the economy."

I would also say I do pay attention to the budget. For those who are interested in it, for those who like finances, it's worth looking at. But I look back: when the Premier became Premier, the debt of Ontario was \$90 billion. Today it's \$110 billion. The debt has gone up by \$20 billion. I say we have funded many of the tax cuts by deciding we would borrow money for them. The government doesn't like to hear that and we get into a big argument about it, but if you talk to economists, the money for the tax cuts—and, by the way, you will never find an economist anywhere who says tax cuts pay for themselves. I'll buy dinner for anybody who can find that, because the economists say, "Tax cuts don't pay for themselves. That's fiscal foolishness." But the Premier has decided to add \$20 billion to the debt of the province.

I would also add that in 1990, the credit rating of Ontario was AAA, the best you can get. Today, after six years of the Premier, it's two rating points below that, still substantially below what it was in 1990. Again, I make that point because when the minister talked about the advantages of these things, it is because that's how they have run the province: 26,000 job losses in the last four months and \$20 billion more in debt in Ontario.

If you look at the economic forecasts by the major banks, of the 10 provinces, Ontario will be the weakest in terms of economic performance in 2001 and 2002. This gets me to the concern about a couple of policies the government is pursuing that I think will exacerbate our fiscal problems. One is deciding that we are going to spend \$500 million each and every year funding private schools. Believe me, our public education system, now and in the future, is struggling. It needs support. Yet, starting in now less than three months, we are going to begin to spend \$500 million a year.

1540

Finally, I would say that the other policy is that the government has decided that corporate taxes in the province of Ontario are going to be 25% lower than our competitors' in the US. I have this thing in my mind where I see Governor Ridge of Pennsylvania. He's saying, "Come to Pennsylvania because we have the best education system around." That's how he's competing. And we've decided we're going to compete on the basis of corporate taxes 25% lower than the US. In our opinion, that makes our health care system and our education system fiscally unsustainable.

I appreciated the minister's comments on it, but for those reasons we have some significant concerns on this legislation and the time allocation.

**Mr Garfield Dunlop (Simcoe North):** It gives me great pleasure today to rise in this House to speak about



the Improving Customer Service for Road Users Act, 2001. As many members already know, the proposed legislation is designed to allow some Ministry of Transportation services to be delivered by another service provider. This is in keeping with a promise that this government made, in its Common Sense Revolution and Blueprint, to ensure a smaller, more efficient government. This legislation fulfills that promise.

It is a bill designed to improve customer service without compromising safety. It gives the Ministry of Transportation the authority to transfer the delivery of some road user programs and services to other providers. This legislation also ensures that the Minister of Transportation would continue to safeguard and protect the public interest.

The bill, if passed, would lead to significant improvements in the delivery of customer services to the Ontario public. It reflects the government's intention to focus on setting quality standards, effectively managing services, and monitoring and rigorously auditing service providers to ensure that they comply with the legislative and contractual obligations. Better customer service is what Bill 65 is all about.

I know that due to time allocation this government is working hard to get this bill passed so that all Ontarians may realize its benefit as soon as possible. I know too that since this bill was first introduced in the House, it has been significantly changed to reflect the feedback it has received from various sources. This government worked hard to listen to all parties involved. Meetings took place with the Ontario Public Service Employees Union on the issue of jobs, and the government heard from the opposition and took into account its concerns over this particular bill. I understand the bill now reflects these concerns and I believe that it certainly needs no further amendments. In fact, it's in the best interests of the people of Ontario to move this legislation forward.

As I have said, the bill's benefits are great, for in addition to providing better customer service, Bill 65 would continue to vigorously maintain the privacy so important to Ontarians. Bill 65 would ensure a continued commitment to road user safety in this province.

Members know that driver examinations and a range of related services are currently provided by the Ministry of Transportation. For this government, keeping pace with change has meant making the right decisions.

Despite recent concerns over a potential economic downturn, our province continues to grow, thanks to the efforts of this government. Since 1995, we have put the right economic building blocks in place, with sound financial management and a competitive economy that stresses job creation and investment.

Our economy has grown by almost 25% since 1995. More than 550,000 new jobs were created in Ontario between 1998 and the year 2000. That's the best pace of job growth in our province's history. All of this positions us for continued economic success as we go into the future.

Certainly this government has paid attention to maintaining and improving our transportation infrastructure, which is key to our growth. Ontario's first-class highway system, a cornerstone of our economy, handles more than \$1 trillion in goods every year—that's \$2.7 billion per day—and we continue to invest in Ontario's transportation system to make it safer and more efficient to get goods across our province and to our international trading partners. For example, by the end of this year, the Harris government will have invested more than \$6 billion in highway capital programs, a level unprecedented in Ontario's history.

This government is working to integrate transportation, infrastructure, planning and investment to ensure a strong economy, strong communities, job creation and a healthy environment for future generations. It's an approach that will ensure continued prosperity for this province and it gets the economic climate right for continued growth. Continued growth means keeping this province on track to achieve its goals. Doing better than before and continuing to apply excellent standards of service is what alternative service delivery is all about.

It should be emphasized too that this legislation would ensure that road safety would not be compromised. MTO would continue to safeguard the public interest by regularly monitoring and auditing new service providers to ensure that they comply with all legislative and contractual obligations. Alternative service delivery reinforces and builds on that commitment. While there might be some opposition to the benefits of alternative service delivery, I can say that Bill 65 would make Ontario standards for customer service even better.

Of course, there have been detractors, those who oppose this legislation because they don't believe it would reap any benefits. There are those who insist that personal information and databases would be at risk in the hands of the private sector. The truth is that MTO would retain custody and control of all databases related to driver and vehicle information, and service providers would only have access to limited information; in other words, only the information required to conduct specific transactions as delegated by the Ministry of Transportation.

There has been a suggestion that the public sector can better protect privacy than the private sector. The answer to that is a clear and emphatic no. Under Bill 65, privacy would be protected at the same level as it is today. The applicable records would remain under the control of the Ministry of Transportation.

Some have said that privatization would result in the inconsistent delivery of driver exams. Again, an emphatic no. I can tell you that the Ministry of Transportation is dedicated to ensuring a consistent approach on contract management and adherence to consistent standards. That's why the ministry is seeking one service provider to deliver driver examination services across our province. MTO would continue to oversee all operations, ensuring that this new provider would fulfill its obligation as laid out in its contract to the people of our province.

There have been unfounded allegations too that public patronage would be rampant under Bill 65. Again, not true. Every single contract awarded under Bill 65 would be awarded through an open, competitive and fair process.

An opposing point also states that privatizing road safety and driver examination service risks the safety of the people of Ontario. I can tell you that this government has made road user safety a major priority. That is why Ontario is in the number one spot in Canada in road safety and number two in North America, behind Massachusetts. We will continue to build on that record. Alternative service delivery would ensure that road safety is not compromised.

Under new service providers, MTO would continue to develop policies, legislation and regulations governing road safety, just as it does today. The public's interest would continue to be safeguarded at all times. This is regardless of whether services are delivered by MTO staff or by other service providers.

1550

Others have said, again with regard to the benefits inherent in this bill, that alternative service delivery risks privacy. Let me say now that after reviewing its contents, I believe the risk to privacy is absolutely nil. In fact, this bill has received accolades from Ontario's own Information and Privacy Commissioner. Consider that the commissioner heads an independent office responsible for acting independently of government to uphold and promote open government and the protection of personal privacy. My feeling is that if the commissioner states that this legislation is strong, well-written and more than sufficient in upholding Ontario's commitment to protecting personal privacy, then I'm also inclined to believe it. It's true, Bill 65 would require new service providers to abide by the provisions of the Freedom of Information and Protection of Privacy Act, ensuring that the privacy of Ontarians would be protected. Personal information would be governed by this act, and contracts between this government and the new service providers would require the signing of a confidentiality agreement by each and every employee of the service provider.

To those who might suggest that this legislation would open up the possibility of corruption and fraud, this is just not true. Measures are in place right now to address the issue of fraud. Those measures won't change; they would continue under any new service provider. The Ministry of Transportation would also institute a performance management system to ensure accountability. The Ministry of Transportation would audit and monitor the service provider to ensure that standards are met. And, as it is today, any instances of fraud or corruption would involve a vigorous police investigation.

It is clear that if passed, Bill 65 would have many practical benefits. It would enhance efficiencies, reduce waiting times and build on the long-term effectiveness of customer service delivery in our province. Alternative service delivery would help sustain the significant customer service improvements we have already achieved while supporting greater innovation in service delivery.

The initiative builds on measures announced in the fall of 1999 to improve customer service and reduce road test waiting times. It is clear that Ontarians would not lose with alternative service delivery, because its direction and intent quite simply is to provide them with better service. Pure and simple, the goal is to improve customer service, and the people of Ontario would be the beneficiaries. Others have already spoken to the bill's benefits with respect to enhancing government accountability, boosting our road safety and ensuring greater privacy. All told, Bill 65 would bring better, more efficient and cost-effective services to the people of our province.

With the passage of this legislation, new service providers would work closely with the ministry to deliver top-level driver examinations and other driver services across our province. MTO would continue to manage and supervise delivery of these services and, as I mentioned earlier, would ensure that the new service providers adhere to a performance management system that maintains this commitment to excellence. In this way, the public would enjoy more efficient and cost-effective services and the ministry would be able to focus on its proper role of service management rather than service delivery.

I believe all members of this House should join me in supporting this bill. Like so many other changes we have seen over the years, this proposed legislation is designed to build on the steady progress we have made to keep Ontario strong and growing. I invite all members of this House to pledge their support for the proposed legislation.

Mr Speaker, I thank you for the opportunity to make a few comments here today.

**Mr Bruce Crozier (Essex):** I'm pleased to stand in my place today and speak to Bill 65. The problem, and it hasn't been mentioned much by the government members, is that what we're really speaking to is a resolution to choke off debate. I've said time and time again, as this government has brought forward time allocation motions time after time, having observed this Legislature over the eight years I've been here and knowing of its operation even before that, this is simply another undemocratic move to cut off the opportunity of members like myself and others to debate the issues of the day. Nevertheless, that's what we have to deal with.

This legislation, or legislation similar to it, was brought in way last year and was allowed to die on the order paper. If the government was so concerned about proceeding with this quickly and with road safety, I guess they would have brought this legislation forward at that time and not let it die.

But since some of the issues with regard to Bill 65 have been discussed today, I'd like to make some comments on them as well.

The speaker just prior to me I think used the words that this legislation will provide for better, more efficient, cost-effective service. Well, goodness knows we need it. An example is in Essex county, in my riding. The only place you can get a driver examination is in the city of



Windsor or the city of Chatham, and both of those are woefully backed up.

The government is the one that has let it happen. There are several reasons for it that we warned them about. One was that with graduated licensing coming to its maturity of five years, any reasonable person would have known that there's going to be a great demand for driver examinations. But did they prepare for it? Did these great managers prepare for it? Not at all.

If you want to back up an argument for better, more efficient, cost-effective service, all you have to do is let the service you have go to pot, and that's what they've done. It would have been well within their control to have provided better, more efficient, cost-effective service with the driver examination centres that we have today and with the staff that's in those driver examination centres that we have today.

I'm concerned, under this legislation, that the profit factor will come into play. It's going to the private sector; the private sector is going to have to make a buck on it. I'm not at all convinced that those of us in rural Ontario are going to be better served by it. As I pointed out, constituents of mine now have to travel into the city. Frankly, in some cases, for some of my constituents, they have to be tested in a geographical area that they're unaccustomed to driving in. So I don't see at all where this legislation is going to help anyone in rural Ontario, because I can't imagine that any one of these private companies will want to set up shop in rural Ontario.

Government has a responsibility to provide services, and sometimes those services have to be provided at a cost to the general population. But no, they're going to say to these private companies, "You take it over," and what I fear is going to happen is that in fact if there are driver examination centres anywhere near rural or small urban Ontario, we might even lose those, that they are going to be moved into these big centres where that profit can be made.

So I oppose this legislation on the very notion and thought that it's not going to do a darn thing for my constituents, and if it isn't, then it's bad and I'll have to vote against it.

Road safety has been talked about with regard to this piece of legislation. I haven't the slightest idea how it's going to do anything for road safety. If in fact, as the government says, there will be regulations and stiff penalties and all those kinds of things on these private companies, that's nothing more than we would have expected of the government itself. So I don't see how it's going to improve on any situation that we have today. In fact, I think there's a danger that it might even be less safe.

1600

It was only a few months ago, quite by coincidence, that I watched one of the news information programs out of the US. They did some undercover reviewing of the driver's licence system. I believe it was in the state of New York, but it matters little where it was. It was the fact that it was a private organization. And what did they turn up? They turned up examiners who weren't

qualified. They turned up that some examiners were actually taking money for certain favours that could be done.

Yes, the speaker just prior to me said there will be penalties for that, but we know there were instances recently in this province where laboratories were privatized, and what happened? A tragedy in Walkerton. So I don't know why I should have any more faith in some profit-making private organization taking over the examination of drivers and that it's going to be any safer for anybody on the roads of our province.

It may result in higher costs to drivers. The government has said, "We're going to control prices." Well, I say to the government, if you're going to stick your nose in and control the prices, the examination fee, then I think you should be right in the examination business itself, where the accountability then is directly on your shoulders. I can imagine that somewhere along the way there is going to be a plea by one or more of these private companies that, "Well, government, we can't make any money at this. We've got to have higher fees." For goodness' sake, take for example the increase in fees there has been on Highway 407.

**Mr Mario Sergio (York West):** It's a nightmare.

**Mr Crozier:** As my colleague says, it's been a nightmare. And you know why? Because the private sector came back and said, "Government, we can't make any money on this. You've got to help us out. We've got to make big profits so we can get some of those big corporate tax cuts that you've given out."

I've already mentioned the reduced service I think there will be for small urban and rural Ontario. I'm going to be most anxious to keep my eye on that, and I'm sure my constituents will help me do that.

Finally, I want to touch on the fact that there will be access to confidential information. We know that for various medical reasons—and it's obvious with me that I wear glasses. My driver's licence says I have to wear glasses. That's OK. But there is other medical information that is required when someone is applying for a driver's licence or has had a driver's licence suspended for medical reasons and wants to get that licence back. They may have to be re-examined. They will be questioned and there will be private medical information. That I think is intolerable. The only body that can be responsible for private medical examination in this province should be the government itself. I don't believe for a minute when we take the Province of Ontario Savings Office, which gave out private information—we know they are selling Drive Clean information. This government is in the business of making a buck off privacy issues, and I don't like that.

For that reason alone, along with all the others, I'm sorry, I can't support this legislation and I will be voting against it.

**Mr Gilles Bisson (Timmings-James Bay):** Again, for the second day in a row, we find that the government has come back with what is effectively a closure motion to push, by way of the legislative authority the government has, this particular bill through the House.

We were here yesterday. Where were we in this debate in second reading? I think we may have had one speaker in the NDP caucus left to speak on the bill. I don't know about the Liberal Party, but I don't think there was a whole bunch of members there either who were at the point of needing to speak on the bill. The opposition was not filibustering the bill. We were going to allow the bill to go to committee in order to deal with the issues it has to deal with there, and the government, by the way they normally do things here in this Legislature, said, "Well, let's bring in a time allocation motion on yet another bill."

I've got to say that I sat through the Parliament of 1990 to 1995, when I had the privilege of serving in government where I listened to members like the former Speaker, Mr Stockwell, and others who are here today, rail against the NDP government for having introduced time allocation motions a number of times, I think a grand total of 21 in our time in government in five years. I would argue, as I said yesterday, even 21 was too many for us. I think we need to find a more democratic way to work things.

But the point I make is, I've got to do some research, because I'm telling you, the number of times this government has moved time allocation in this House has got to be an all-time record. It seems to be that at least once or twice a week we're finding ourselves debating yet another time allocation motion. If it was a question where the opposition was holding up the bill, I would say, "I don't like it, but I understand it." But what you've got is a bill that we had basically used up all our speakers on. The bill could have gone to second reading, I would imagine, if it had come into the House for yet another day because, as I say, members of my caucus had pretty well spoken to the issues that they wanted to raise on this bill. As the whip of our caucus, I had canvassed the members to find out how many other speakers there were and there was but one who wanted to speak on the bill. Again I say, I don't know about the other side, the Liberal Party. I don't think they had a whole bunch either.

What is it? Is it a question that the government House leader is incompetent? I don't think so. I know Janet Ecker. She's going to make a fine candidate in her bid for the leadership race of the Conservative Party. I know she's not incompetent.

**Mr Dominic Agostino (Hamilton East):** Are you endorsing her?

**Mr Bisson:** I wouldn't endorse any of them. I think they're all going in the wrong direction. Listen, it's not a question that she's incompetent. She's a very competent minister, as I said yesterday. I say to myself then, why is it that the government feels they've got to come in with yet another time allocation motion? It's beginning to appear that basically the government doesn't like the process of democracy. I really have to start believing that's what it's all about.

If you listen to the complaints of citizens out in Ontario as we travel around as citizens or parliamentar-

ians across this great province, if there's one thing that sticks—it's no longer going to be the Mike Harris government, because we learned today that Mike has decided to call it quits after being in politics for some 19 years. But the one thing that sticks to the Conservative government, the regime, is that it's not a regime that is extremely democratic. People say they don't listen. For example, when the citizens of the city of Toronto and all the boroughs and municipalities prior to amalgamation decided by referendum that they didn't want to amalgamate, the provincial government of the day, the Conservatives of the day under Mike Harris, said, "No, we're not going to listen. We're going to forge ahead." When people in the educational sector said the government was wrong when it instituted a number of changes in education that quite frankly were nothing more than picking a fight with teachers, the government just steamed ahead anyway. Example after example has been that this government is not prepared to listen in a serious way to the public.

The other issue I have is about how this Legislature operates overall. I raised it yesterday and I'll raise it again. I really believe that the system of government we have today, the old British parliamentary system that we operate with today, is antiquated, passé, a thing of the past and, quite frankly, should be gotten rid of. What we have is a system of government, because we have changed the rules in this House over a period of years—and that's not just the Conservatives, in fairness. As I said yesterday, Tories, New Democrats and Liberals have all added to the demise of how the rules operate in this House so that we have got to the point where we are now. I would argue, however, that the Tories have done about 75% of the work on their own. They've really gone a long way to limit debate, but here we have a situation where, because of the way the parliamentary system works as far as how we elect members and how the rules work once they get into the House, it's really the Premier, whoever he or she might be after this leadership race, and a few unelected officials who surround the Premier who basically have all the power. Because the Premier is the one who appoints who sits in cabinet, all of the people on his side of the House, if it's a him—on her side of the House if it's a her—basically fall in line. They are able to bloody well do what they want with either the executive council, meaning the cabinet, or with the caucus, and there is not a thing any of them can do about it. Our system of parliamentary rule says there has to be strict, rigid control of the parties once you're elected to government, because we say that if you lose a confidence vote on certain issues, the government falls. So for that and a whole bunch of other traditional reasons, the caucuses tend to rally around the leader and the power that's concentrated in his or her hands. I say to the government across the way that it is not a good way to serve democracy.

1610

I know, because I was in government, and I would argue that there are many Conservatives—not only back-



benchers, I would suspect, but also cabinet ministers and former cabinet ministers—who feel as I do that this system of British parliamentary rule that we have now doesn't work. Backbenchers of the government as well as opposition members don't feel they have the kind of effect they need in order to influence the decisions of a government, and feel they're quite stifled. If a government backbencher disagrees with a particular government bill or wants to have particular changes in the bill, the member is made to shut up, or else the Premier will look on you in a negative way, and I know government members resent that. I know my good friend Mr Murdoch will never get anywhere within the Conservative Party because he tends to speak his mind. I think the only one who was bright enough to speak his own mind and to weasel his way into cabinet was the former Speaker, Mr Stockwell. I think it's a great credit to him in the sense that he was bright enough to hold one over Mike so that he had no choice. It will be interesting to see if my friend Chris Stockwell actually runs for leader of the Conservative Party. I don't imagine he will unless he thinks he can win, but that's another story.

I ask, what can be done? I would argue that what we need to do is change the way this place operates overall. I would argue you have to do voting reform. I've mentioned this on a number of occasions and I will mention it again. I believe we'd be better served by a system of proportional representation. I believe in the system that basically says, "Any party that wins 44% of the vote in a general election should have no more than 44% of the seats in the House," and all parties should be apportioned the number of seats entitled to them by way of the percentage of vote they got in a general election. In the end that means, if in the last general election Mike Harris got 41% of the vote—I forget what the overall number was, but we'll say it was 41%—you wouldn't end up with what we've got now: 41% of the vote in a general election and 60% of the seats in the House. It's absurd. Democracy is not being respected. Some 60% of the people who voted against the government say, "Oh gee, I didn't want that."

Remember the Brian Mulroney election where we got into this whole free trade debacle? Over 60% of the Canadian population voted in opposition to free trade by voting against the Conservatives in whatever fashion. But because of the quirky system that we have that basically says that a party with 38% of the vote—as in the case of Brian Mulroney—can win 60% of the seats in the House and concentrate their vote geographically in certain ridings, he ended up with a huge majority in the House, was able to introduce free trade, passed it through, and it was basically done, even though over 60% of the people said no.

When it came to the amalgamation of the city of Toronto, I would argue, where a majority of residents in the old city of Toronto, the boroughs of North York, Scarborough and all the others, were opposed to it, they would have been able as citizens to exercise some pressure on their local members and say, "I'm not in

favour and I request that as my member you represent that view." Mike Harris would have had to sit down and take into account what people in those communities were saying. With 41% of the vote, he would have had only 41% of the seats in this House and he could not have moved on his own with his own party. He would have had to either smoke the Liberals out and have them vote for or against it or do the same with us as New Democrats, or a combination thereof. But at least then the public knows what their representatives are really doing.

The other downfall that we now have in this democracy—I don't even call it a democracy any more. It's a tyranny. What do they call it? It's parliamentary tyranny when it comes to the way this place works. At least under a PR system, one of the advantages in my view is that members are made to be more accountable because the government does not have a clear majority and has to rely on picking up votes across the House. It means that I as a New Democrat can't just vote according to what my party wants. I also have to take into account what my citizens want. If an issue is such that the community and the riding of Timmins-James Bay says, "Hey, Gilles Bisson, our representative, this is an important issue. We need you to represent our views on that," I must take that view not only to my caucus, but bring it to the floor of the Legislature by way of my vote. At the end of the day, if I vote against my constituents, they throw me out. That's a good thing, in my view.

**Mr Rosario Marchese (Trinity-Spadina):** Also, they're empowered, because then their vote is not wasted.

**Mr Bisson:** They're empowered; that's the whole issue. Exactly. Every vote is not wasted. It doesn't matter, at the end of the day, which party you vote for; when that independent person comes to this House as a New Democrat, a Liberal or a Conservative, they come in and their vote counts.

**Mr Marchese:** Each vote—each and every vote.

**Mr Bisson:** Each vote becomes important. The government of the day needs to depend on all the members of the Legislature to make things happen. I ask, what is wrong with that?

I know what the argument is going to be, because I've been down this road before. Governments in power don't want to move to proportional representation. They don't want voting reform. Why? Because it concentrates the power in the hands of the Premier's office. Why do I know that? Because I was a member of a government, and I remember at the time when I was first elected in 1990, one of the issues I brought to caucus was the whole issue of PR. My party, at the time, because they were the majority, said, "Well, it's a good idea, Gilles. Maybe in the second term we'll do that." Boy, did we get fooled. We never got one—for good reason, maybe.

But the point is I say no government in power and no party that is about to attain power should be trusted on this issue, quite frankly. I think the citizens have to take a certain ownership on this issue themselves and demand that their political representatives, no matter what party

they belong to, are able to push ahead the idea of moving and doing actual voter reform such as we've seen in Europe.

One of the arguments we get with people who are opposed to the whole issue of voter reform when we talk about proportional representation is they say it leads to instability; because you don't have a majority in the House at all times as a government, it leads to unstable governments. Well, let's take a look at what has happened. Europe—is Europe an unstable democracy? Germany? France? Italy, even—and we'll talk about Italy in a second. England and others? Are they unstable? No. Germany is the strongest economy in Europe, bar none, and they have had a system of mixed proportional representation for the better part of 50 years. They've managed to have some of the most progressive legislation on the entire continent of Europe, along with France, and they've done that under a PR system. There has not been a situation where the government has had a clearer majority in Germany—I don't think it has happened since after the Second World War. I'd have to go back and look at the actual stats. But the way they are able to govern is like what happened with Mr Schroeder and the labour party in the last election. They did not attain 50% of the vote and the labour party in Germany has to go to other members to get the kind of support they need to support the government to move the agenda forward.

So what does that do? It says the labour party can't just do what it wants. Do you know what? Maybe that's not a bad thing. Maybe you have to have some Tories in there, and maybe you have to have some others, Greens or whatever, in order to temper the labour party in Germany so they don't just go out and do what they want, so they take into account what the public has to say. What we've had in Germany is stable government, a strong economy and, quite frankly, a higher participation on election day by the voters and higher satisfaction, generally, of government.

I was in Italy about eight or 10 months ago, or whenever it was. I had an opportunity to go there with my youngest daughter. I like to travel every year. My wife doesn't fly, so I take one of my daughters with me. I was there with my youngest daughter, Nathalie, and I had an opportunity to speak to a number of German travellers who were in Venice at the time, along with my daughter and myself. It is very interesting when you talk to the Germans about politics, because their entire sense of government is totally different from ours. If you talk to North Americans, we look at government as a pariah of the people and we look at governments as not being able to provide any meaningful solutions. They're like, "Get them off my back." When you talk to the Germans, the French, the Swiss and others who have systems of government that are either mixed proportional representation or pure proportional representation, there is a much stronger satisfaction with the whole notion of government because they understand that government can and should play a positive role.

You can even go to the extreme of Switzerland. Now I would not advocate this for Canada, because we're not there, but I find this very fascinating. I think most people would argue that Switzerland is one of the more progressive places in Europe. One of the interesting things they have over there is not only proportional representation as the way they elect members, but the way the rules of the House are, no government can introduce a bill and spend X millions of dollars without a referendum.

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I don't particularly like referendums per se. I think you can achieve the same thing through PR. But the interesting point is when you look at what they've done in Switzerland, the Swiss labour party at the time—and I think it's still the labour party that's in power there—tried to introduce for the people of Switzerland a bill that would give better daycare provisions for families across Switzerland. Because of the type of government they have, because the cost is above the amount of money they can apportion as a cabinet and as a Legislature, they had to go to a referendum.

Interestingly enough, the referendum was rejected, but not for the reasons you would believe in California, where the big lobbyists are opposed to not-for-profit daycare; it was a question where the public was not satisfied that the plan being presented by the government quite covered off the bases that needed to be covered off. So the government had to go back and redo it, take into account what the public had said, reintroduce another referendum and then they got the authority to go ahead and do it. My Lord, isn't that an interesting concept—the public actually getting what they want? Man, would that be a refreshing start here in the province of Ontario.

So I say there are ways that we should be looking at as a Legislature to make this place much more accountable to the public so the Legislature speaks for the people and not the other way around. Yes, we have to have leaders in times of crisis; yes, we have to have leaders to help us through hard economic situations such as we've had, but you can still get that in a system of PR. The important point is people have to have confidence in those institutions.

We have an opportunity. I know my good friend Mr DeFaria, who I travelled with to all parts of the world, when we went to Africa some two or three years ago in order to meet there with l'AIPLF—as you well know, we've talked about this particular issue ourselves. We have an opportunity—

*Interjection.*

**Mr Bisson:** Well, Joe, you didn't come along. I didn't see you there. I think you were off travelling somewhere else, but that's another story.

We have an opportunity. We have a golden opportunity right now. The government, in its last throne speech, introduced a notion that we would set up a committee that would look at the role of members. Specifically, what the government was looking at doing was how we can better use electronic technology for members, the



type of support services we as MPPs can use. Margaret Marland is the Chair of that committee. We just had a motion of the House pass this week that allows that committee to deal with this particular issue. I plan on going to that committee and pushing the committee to take a look at the various models of voting reform that have been done across the world and seeing if we can put together some sort of document that we can propose to the people of this province.

As a New Democrat, I hope to be in a position later on this winter or this spring to convene some sort of conference here in Toronto—or in other communities for that matter—where we can bring people in and start talking about the need to have voting reform. Because if we cannot reform the voting process in order to give people a voice and give people a sense of ownership about their governments and some pride, I think we're in deep, deep trouble.

I want to say that again, because every time we end up with time allocation motions, it gives me the only opportunity to raise this particular issue and I wanted to do this with the time. I ask people, if they're members of the House, or in fact the public who happen to be watching or reading this in Hansard, if you want more information on the whole issue of proportional representation, get hold of me. That's my name on the bottom of the screen: Gilles Bisson. It's real simple: gilles@gillesbisson.com. Send me an e-mail. I'd be glad to talk to you about it.

I want to get back now to the issue that is being treated within the time allocation motion itself, and that's the whole issue of road safety and what this particular bill is supposedly going to do in order to deal with an issue that the government says is a problem. Here's the issue: we are now in a situation where people who go to get their drivers' tests are having to wait unseen amounts of time—six to 12 weeks—to get an appointment to get that road safety test so they can get their driver's licences—clearly unacceptable.

The government says to us, "We're going to fix this problem by privatizing the service that MTO now provides." They're saying that the only way to fix this is to take away from the public servants who work for MTO this responsibility and put it into a private sector for-profit corporation that will be charged with dealing with this issue.

I see the government members are going like that. They say, "Yes, it's a good idea." It makes me think of the little doggie in the back of the car, always doing one of those.

Let's review why we got to this place in the first place. The issue of the waiting lists for people to get their drivers' tests is not something that was just always there. It's something that this government created. It created it in two ways: first of all, our government, when in power, the government admits, introduced a very good bill, the whole system of graduated drivers' licences. Under that system, people who get tested need to come in and get their full classification for drivers' licences at the end of five years. So the government knew, as we did, that in

five years, which was going to start in 1997, it would have a surplus of people coming to it in order to get drivers' tests in the province of Ontario. What did this government do to deal with what it knew was going to be a higher demand? In 1995-96 it slashed the budget of the Ministry of Transportation severely and, as a result, laid off a number of workers who were the very people who were responsible for scheduling and doing those tests with the drivers across the province. So not only did we end up having more people coming into the system and needing this service, which added to the longer waiting lists, the government, instead of hiring, fired the people who were there to do it. As a result now, we've got this huge waiting list.

**Mr Marchese:** They made it worse, deliberately.

**Mr Bisson:** They made it worse. In communities across small-town Ontario—and I don't know, maybe my good friend Mr Marchese wants to speak to this a little bit later. Mr Marchese can indicate if he wants any time on this. If you want any time, you can indicate at any time you do.

**Mr Marchese:** I will do that.

**Mr Bisson:** Very good. It looked as if you were looking to get into the debate, Mr Marchese.

I was just saying that they added to the problem. If you look at what it means for small-town Ontario, I can tell you about my riding, Timmins-James Bay. Communities like Hearst and Smooth Rock Falls and Mattice lost the examiners who were coming to their communities. I don't know how many times—at least two or three occasions—I've had to intervene directly with the Ministry of Transportation office to try to wrangle some staff out of somewhere so that we can at least get part-time coverage in some of those communities.

It means that for a lot of those communities, especially the smaller ones, you can't even get a driver's test in your own community; you have to drive 40, 50 miles away, depending on where you live, in order to get that. I know it's the same problem in southwestern Ontario, as it is for the southeast and rural Ontario; it has been real havoc for them.

For seniors and others who need to go and get their driver's test because of their age, it is really a problem because a lot of these people only use their cars in their own small communities. They don't want them for anything else than going from their home to the grocery store or to go visit their family. They don't want to drive into the larger communities, and now they're forced to drive into those communities that they don't want to come into.

Anyway, the government created this problem. They're saying that the only way to fix this is by way of coming in and making sure that we privatize the service. Are we going to get better service by way of privatization? I think that's the question we have to ask ourselves. I think the answer is a resounding no. In all instances where the government has gone out to privatize services here in the province of Ontario, where we have gone back and done studies by way of the auditor or

other committees of this assembly to look at the effectiveness of privatization, it has been a total disaster.

**Mr Marchese:** The taxpayers are paying for it.

**Mr Bisson:** Exactly. You know, you stole the words right out of my mouth, as the song says. Basically, the taxpayers at the end of the day are the ones who are left footing the bill.

I want to share with members of the assembly the 1999 Annual Report of the Provincial Auditor. As all of us here know, the Provincial Auditor is a person appointed by our Legislature to oversee the public spending of the province of Ontario. He is there—or she, when it is a woman—to be able, by way of the auditor's committee—members select which ministries they want audited. The Provincial Auditor goes in with his team, audits the particular ministry and comes back with a report. As members of the assembly, we get a good opportunity to ask very detailed questions about how expenses have been organized within particular ministries and the effectiveness of how those ministries are operating. What's very revealing is that in the 1999 annual report, where we look at expenditures of the Ministry of Transportation, where they have privatized winter road maintenance, it's been a disaster.

Just to set this up so people remember what we're talking about, the government privatized highway winter maintenance back in 1996-97. Up to that point we had a hybrid system where 50% of the snowplows were owned by the province and 50% were owned by the private sector. The ministry was responsible for patrolling the highways and deciding where the snowplows went and how often they needed to be there etc. As a result, we had a fairly good system in the province of Ontario. In fact, Ontario was the place that people came to take a look at how you should maintain highways in winter months and in summer months. Ontario was a leader. We had people coming from various state Legislatures from across the northern part of the United States and from the rest of Canada who would come to meet with MTO employees and supervisors to take a look at how we did things, because we had developed over a period of years one of the best systems of highway maintenance in North America, if not the world, but I know for North America.

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The government back in 1995-96 made the announcement that it wanted to privatize those services. I remember that at the time that was done, the Minister of Finance at the time, Ernie Eves, said, "I want to do this and we're going ahead and doing it. If we don't save at least 5% of overall cost to the taxpayer, it's not worth doing." I would have been happy if it had been a break-even. So the government gave a clear commitment that it was going to do this and it was going to save at least more than 5%. It would be a much more accountable system, they said, plus we would get better service.

Here's where we're at some four or five years now after we privatized winter road maintenance. We never used to get, in northern Ontario, the amount of highway closures that we get now. It used to be, up until 1996, that

if you went out on Highway 11 any time in the winter, from Timmins or Kapuskasing up to Hearst, it was very seldom you got stuck in a community and you couldn't get out. It had to be a real blizzard such that you would not go. It would not be because of the highway that you couldn't drive most of the time; it was because of visibility. You can't see. The highway's there but there's so much snow that you're blinded. Those were the occasions where you didn't venture out on the highway.

Nowadays, I can tell you—I have this experience, because I travel up and down those highways on a constant basis in the riding that I have, the second-largest riding in the province. Last year, and I should have kept these numbers, I can remember four or five occasions where I had to overnight in communities, not planned, because of highway closures, not because there was still a snowstorm and I couldn't drive because of visibility. The snow had stopped falling by that point, but they hadn't got the snowplows out in sufficient numbers to make the road safe. You'd talk to the truckers who had come up Highway 11 and they'd say, "Oh, Jeez, don't do that, man; there were all kinds of people in the ditch." Then the next day I'd get in my car and I'd drive down the highway and I'd see car in the ditch, car in the ditch, car in the ditch. I remember on one particular trip last winter I counted something like 14 cars in the ditch between Mattice and the cut-off point to Timmins on Highway 11. Fourteen. We never used to see that before. So are we any better off? Are we getting better service? The answer is no. We know that from the anecdotal evidence.

But more important, let's look at what the auditor has to say. It is unbelievable that the government gets away with this, because the government tries to make itself out to be the best people in the world when it comes to managing services. Nobody is better than Conservatives when it comes to managing government, so we're told. The auditor comes back and says, "The ministry had not achieved the target savings of 5% on the four outsourcing contracts...." All right? That's the comment that he makes.

He goes on then to break out what the savings actually were. Here's the big savings that we got when it came to highway maintenance. When this report was done in 1999, there were four outsourced contracts that were out long enough that he was able to go out and audit them after at least a year of service. In district A there was a saving. District A saved \$296,000. There's the good news. In district B, there was a loss—we spent more than the previous year—of \$864,000 for the same highways that were done by the Ministry of Transportation the year before. In district C, there was \$386,000 more spent in highway maintenance than there was the year before that. In district D, an increase of \$1.09 million was spent. The total cost to the ministry over the year before for those four contracts was \$2.05 million more than we had spent the year before. So have we saved any money?

Now, this is not an increase in service. We've had a decrease in service and it's costing us more money, by



the words of the Provincial Auditor, Erik Peters. I would say certainly what the auditor is saying is that we're not getting the savings that the government said we were going to get when we first went out there.

So you say to yourself, why is the government doing this? If you're not saving any money and you're not getting better service, why are you doing it? It's simply an ideological belief on the part of the government that privatization is the only way to go.

It kind of brings me back to my first point about how this Legislature works. I would argue that if we would have had a system of proportional representation in the province, the government, when they moved to do this, would have had to get the support of somebody on this side of the House. I can tell you, I would have never given it to you, because I don't believe that even then—and even now that I've been proven right—you could make the kinds of savings that you said you would by way of privatization. All that privatization is, quite simply, figuring out a way to pay workers less. That's all it is.

All we've done with this whole initiative of privatization is move from paying provincial employees 14 or 15 bucks an hour to drive a snowplow to having some private operator keep the 15 bucks, put it in his or her pocket and then pay the worker \$7 or \$8 or \$9 or \$10 an hour, depending on the contractor. Wow, is that contractor ever efficient, is that contractor ever smarter than the government. Whoa. Of course they're smarter; they put the money in their pocket and the worker gets less.

Is the private operator organized any better? No. There are some good contractors out there; I'm not going to argue that there are not. But overall, the ministry does a much better job because they must maintain certain standards that are prescribed by way of the minister's orders and by way of the policies in the ministry itself, and we need to ensure that those services are given that way.

Another comment that the Provincial Auditor makes in his report—and again, I think it's an indictment on what the government has done. I'm going to have to explain this one, because this is really the gift they gave to the contractors. It says, "Subsequent to awarding highway maintenance contracts, the ministry engaged the contractors to perform additional work without tender and offered these contractors surplus ministry vehicles and equipment without going through the required public auction."

Now, there are two issues here. You know when you see the ministry employees, guys standing beside the road and they're taking out the guardrails that have been broken or changing the signs on the side of the highway or fixing up the shoulder because the shoulder has eroded? Well, the ministry used to do that with their own employees. Those people who, by and large, were employed doing snowplowing in the winter, in the summer were transferred into the yards to do those kinds of jobs. They would put a crew together, they'd go out and they'd fix the side of the highways, fix the guardrails, fix the

shoulders, cut the grass, do all that stuff that had to be done. And that was done by the ministry employees for no extra money other than material, because they were already employees who were paid.

What they did under the area maintenance contracts, they said to the contractors, "By the way, if you see anything broken on the side of the highway, fix this and send us the bill." What a sweetheart deal that is. Wow. I am the contractor—and this is what he's basically worried about. The auditor is saying, "Hey, this is really open to abuse." If you have an unscrupulous contractor who says, "Sent crew to Highway 11. Replaced 55 rail posts on the side of the highway. Sent five men," how are you going to check it? You have no way of knowing how many people were sent there, because there are no MTO inspectors to watch what's going on. This whole thing is open to abuse.

I will predict, and I'll say it here in the Legislature, there will come a time in the near future where actual examples of this will be caught by the auditor. Because I'm hearing from within the circle of people who are in highway maintenance, they're saying, "Gilles, man, I don't want to come forward and give you my name. I don't want my name becoming public, but there is stuff that's going on that's quite unbelievable." That's what they're saying to me. They're saying they go out to actually do work and, let's say, replace five of those guard posts on the side of the highway and all of a sudden the government gets a bill for 10, 15 or 20.

As taxpayers, do we think that's a good idea? I don't think so. If I call a contractor to come to do work at my house, I'm watching him, and I'm making sure that contractor does what I told him to do and doesn't bill me for things that he didn't do. But under this system, there are no checks and balances. You've basically given a blank cheque to the contractors to send you a bill.

I want to say clearly it's not all the contractors who are doing this. There are reputable firms out there. But this thing is open to abuse, and I have been told by contacts I've had from across the province who have talked to me about this that there is abuse going on already. The amount of work that's being done and billed for doesn't jibe.

The other comment he makes is the whole issue of surplus equipment. Now, this was a real boondoggle. What did the ministry do with all its snowplows and all the trucks and graders and everything it owned? You'd think that they would have got top dollar, right? If I'm a private entrepreneur or I'm just Gilles Bisson and I've got a snowplow and I'm trying to sell it, do I try to sell it for the highest amount of money that I can get or the lowest? Which is logical? You want the most amount of money, right? That's what you would think.

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That's not what they did. They didn't even go through a public tendering process. They allowed the contractors to buy the equipment from the ministry at bargain-basement prices. I'm just going to make up a number. If the ministry paid \$100,000 for a piece of equipment,

contractors were able to pick up that equipment for as low as 20% of value, and there was no tendering process.

When we came into the House and raised the issue, the amazing thing was—the honeymoon was still on with the Conservative government and, oh no, they could do nothing wrong—the media wouldn't report on it. I remember coming into this House and raising this issue on a number of occasions back in about 1997 or so—I'd have to go back and look at my notes—raising it in question period, raising it in debate here in the Legislature and talking to the media, and the media said, "Ah, you're just making this up." I wasn't making it up; it was actually what happened.

Equipment in yards across northern Ontario and other parts of the province, which was supposed to be sent to the central yards for people to come in and put bids on—there was not even any tendering. There were no bids, there was nothing. The stuff was just sold for whatever the ministry thought was a fair value. Either there were some funny things going on in the ministry or they were given some pretty weird direction by the minister to make that happen.

My point is, privatization has not turned out to be the wonderful saving we were told it was going to be by this government when they originally went down the road of highway maintenance. So I have no reason to believe that privatization of the services having to do with drivers getting road tests is going to be any better under the private sector.

Is there a problem? Yes. Is it acceptable that people have to wait 12 to 16 or 18 weeks to get a driver's test? Of course not. Does anybody on this side of the House think that is good? No. Does the public think it's good? No. So what's the answer? I, as a New Democrat, say the answer is not to put it in the hands of the private sector; the answer is to make sure that we properly staff those offices with qualified personnel so that we can bring those waiting lists down and then manage them to a sufficient number. It's not a question, in my view, of going out and privatizing to find a solution; it's a question of staffing up the ministry offices with competent ministry employees to do that work.

The other thing that I think we need to be very cautious of—and this is amazing because it really worried me when I first saw it—the second issue with this bill, has to do with who is going to be managing the information that the Ministry of Transportation has on drivers. What we're going to have is the government, by way of this bill, giving greater access to the private sector to information that is now contained within Ministry of Transportation databases.

Currently, if you're a driver in Ontario, the only way they can find out stuff about you is that the police, when they pull you over on the side of the road, get into the CPIC system and check to see, by way of the plate on your car—or your driver's licence, if need be—if you have any criminal convictions against you. Those are the only people who can access that information. By law, the information you have as a driver as to your medical

condition, where you live—all that information that is contained within the driver's licence registry—is only accessible to the Ministry of Transportation for the purpose of issuing licences, or to the police by way of the CPIC system.

The government, by way of this bill, is going to give greater access to the database to the private sector, to these private for-profit operators. We have no assurances, once we go to the private sector, that there's going to be any kind of security on the information that will be within those private offices.

We have an instance in Quebec where the government has partly privatized their system. They still operate government offices where you can go out and get your driver's test, but they have some private operators who do it as well. There was a situation in Quebec, I think around the year 2000, where an employee of one of these private contractors gave information illegally—I guess that is the only way you can say it—to biker gangs, information that was contained inside the database.

Let me explain what happened. As you know, in Quebec there are some huge issues going on between biker gangs. In the city of Montreal and other places there have been huge battles going on between various biker gangs that are vying for control of the illegal activities they operate. What happened was that a particular biker gang wanted to get the addresses of individuals they suspected were a problem to their biker gang. But the problem was, they didn't know where these people lived. So they went to one of these private operators and said, "Hey, employee, if I give you a couple thousand bucks, would you give me the information?" This underpaid worker, who gets minimum wage, who doesn't have a career with the civil service, is not sworn to secrecy and all of those things, said, "Yes, OK, I'll give you the information."

You wouldn't believe what happened, and I'm just going to read what happened by way of articles that appeared in the paper. Basically what happened was people were killed. The biker gangs took the information, located the people they were trying to find, and murdered those individuals. I'm just going to read from a couple of articles because it's quite a telling story and it's what is possible by way of where we're going. I'm not saying this is going to happen, but it's a possibility.

This is an article that appeared in Montreal. I'm not sure which paper it was. It's May 31, 2001. It says, "Government Data Was Supplied to Biker Gang." It goes on to say, "Montreal: Police yesterday arrested a man and woman alleged to have raided a provincial government database to provide the Hells Angels with the licence plate number of crime reporter Michel Auger shortly before an attempt on his life last September."

It goes on to mention the woman's name and her accomplice's name "...are to appear in court today facing 50 counts each of breach of trust and fraudulent use of computer data.

"Investigators trailed" Mrs So-and-so "after determining that she had made an unauthorized inquiry on Mr



Auger's file. It was discovered that" this particular individual, "who was suspended by her employer last fall," because they found out, "had checked the files of some 25 people"—get a load of this—"who were of interest to the outlaw bikers last year.

"Of those 25, three from a rival gang have been murdered and four survived murder attempts," out of 25 people who were checked.

Some people will say, "It was just biker gang guys who went after other biker gang guys." We don't know that's the case. Some of these might have been innocent civilians.

The point is, there are people out there who are unscrupulous and prepared to pass on information to the public. There is a danger, if we don't have the types of checks and balances that we need in place in this particular legislation, that some unscrupulous employee of an employer that doesn't have the types of safety checks that we have presently in the system will be able to pass on information to people for whatever, either because some marketer wants to get your address or somebody wants your number for something like what happened here.

It went on to talk about this particular situation; I can read the entire article, but I think I made the point. There's a real danger when we open this kind of information and take it out of the purview of the public sector, because there is a danger that the information can be utilized for things that are not, quite frankly, in the public interest.

So I say on that particular issue—

*Interjection.*

**Mr Bisson:** Do you want some time?

*Interjection.*

**Mr Bisson:** I want to say, I know that my good friend Mr Marchese would like to share some of my time. I will only say, just to wrap up, just a final thing. The minister—

**Hon Chris Stockwell (Minister of Labour):** He's leaving you eight minutes of the hour?

**Mr Bisson:** He just decided to come in at the end. I want to make sure my friend has some time. It's amazing what you do as a whip.

**Mr Marchese:** But take all the time you need.

**Mr Bisson:** I know I could.

The only other point I want to make is, the comments the minister made with regard to privatization on Saturday, July 2, 2001, in the Hamilton Spectator I think really say what the government is about. It says, "The province hopes the move to privatize driver testing will cut waits for a test from eight months to six weeks, a goal Clark said can't be achieved if the testing remains in the hands of unionized public employees." The bias. "There are a lot of problems with the collective agreement, problems the private sector won't face," he says.

So what is this really about? It's about the point that I made first of all: the government does not want to pay public sector employees the 14 or 15 bucks an hour they get for doing this. They would rather have a smarter

operator come by, keep the 15 bucks, put it in his or her pocket, and pay private sector employees \$7 or \$8 an hour. That's not efficiency. I just call that greed and stupidity. With that, I'll share the rest of my time with my good friend, Mr Marchese.

1650

**Mrs Julia Munro (York North):** It is my pleasure to rise today in the House to support the Minister of Transportation in his motion for time allocation on Bill 65, the Improving Customer Service for Road Users Act, 2001. Time allocation will ensure that the bill is moved forward expeditiously and, if the bill is passed, the people of Ontario will realize its benefits. As the Minister of Transportation stated, this bill has been significantly changed to address the feedback we have received, so a clause-by-clause examination of the bill is not required.

Let me now focus my discussion to the merits of Bill 65 and the benefits arising from the bill once it is passed into legislation. If passed, the bill would lead to important improvements in the way customer services are delivered to the public across Ontario. The bill underscores this government's promise to explore alternative approaches to service delivery. That promise was delivered in our 1999 Blueprint document and it was repeated in this year's speech from the throne. It was made clear when Bill 65 was brought before the House for first and second reading that, if passed, we will be able to deliver better service to Ontarians, reinforce their privacy rights and ensure the continued commitment to road user safety.

Time allocation is suggested to move this bill forward expeditiously. This government is working hard to implement this bill so that Ontarians may benefit as quickly as possible from it.

Members will know that since the introduction of alternate service delivery legislation, there has been feedback from various sources. This government has met with the Ontario Public Service Employees Union to gain input. The opposition's concerns have been heard. We have listened to those concerns and they have been addressed. The bill we have before us has been amended accordingly.

In short, we now have a bill that not only reflects our original intent but is stronger and more focused than before. It is a bill that would ensure better customer service, privacy rights protection for Ontario drivers and a commitment to continuing high standards in road user safety.

As members know, driver examinations and a range of related services are currently provided by the Ministry of Transportation. This government continues to find the ways and means to better serve the Ontario public. That is what alternative service delivery is about: providing better customer service to the people of Ontario.

We are working to build a better Ontario transportation system for the future. It will be a system that is part of a national transportation network that is cost-effective, safe and efficient. Alternative service delivery builds on that premise. Yet, despite the considerable advantages that this bill presents and the many benefits to

be gained by the Ontario public through alternative service delivery, there still are those who raise concerns over positive changes, changes that are designed to make our excellent standard for customer service even better.

For instance, there have been suggestions that driver examinations should be the sole domain of the public sector based on operational efficiencies. It should be clear to everyone here that the private sector is the driving force behind efficiencies in business. Nobody knows better than our private sector businesses how to run a business efficiently. If passed, Bill 65 will build on our work to empower the private sector to deliver these services with efficiency and innovation. This bill would not take away from service delivery; it would build on it.

Much has changed in terms of driver licensing standards since the days of the "365" so many years ago, when drivers could obtain their learner's permit and look forward to getting their licence quickly. With graduated licensing, for instance, Ontario's novice drivers now undergo a much more rigorous, two-step licensing process which includes two road tests. This new approach to licensing drivers is saving lives. But while our licensing requirements have changed a great deal over the years, our driver examination services have not kept pace with the times.

There are more than eight million licensed drivers in the province and thousands more receive new licences each year. The demand for driver testing services in Ontario will continue to grow as our population increases, thanks to successful economic growth in this province. The Ministry of Transportation has already made some significant customer service improvements to address the growing population of drivers in this province.

Members will recall that in 1999 the previous Minister of Transportation, the Honourable David Turnbull, brought in a package of measures to address the customer service problems at provincial driver examination centres. Under this initiative, the ministry hired more than 300 driver examination staff on a temporary basis. It also opened temporary driver testing facilities and expanded the hours of operation at a number of provincial testing centres. As a result of this initiative, more road tests were offered and the average waiting time across the province for driver examinations was reduced.

This new bill supports the Ministry of Transportation's intention to find a new service provider for driver examination services. If the proposed legislation is passed, the work eventually will be moved to a new service provider and the province will be able to build on the significant customer service improvements in driver examination services that have already been made.

As members will know, Ontario is committed to the highest level of customer service possible in all facets of its operations. By engaging the private sector in the delivery of driver examination services, the government will continue to maintain, even exceed, those high standards for excellence in customer service.

The key, of course, is to find the right service provider for the job. In order to ensure that the right organization

is selected to undertake this important task, the ministry has established an open, competitive process. Before earning the right to deliver driver examination services in Ontario, a successful bidder would be required to prove its capability in a number of areas. It is a process that will demand that all candidates for this role meet a very specific, predetermined set of criteria. If this bill passes, only pre-screened, qualified candidates will be able to proceed to the next level, in which they would be able to bid for the right to deliver ministry services. If a successful candidate is chosen, the ministry will then develop a detailed service delivery contract with the winning bidder. As I have suggested, great care is being taken to ensure that the selection process can have only one possible outcome, which is safe, effective, high-quality service delivery.

Yet, this bill has its detractors. There are some serious allegations that need to be put to rest. For example, to those who would suggest that putting driver examinations into the hands of the private sector would remove the government's quality control of the testing process I say it is simply not true. Under new service providers, the Ministry of Transportation would continue to be accountable for road user services and programs. The ministry would continue to develop policies, legislation and regulations in the same way it does today. The Ministry of Transportation would continue to safeguard the public interest at all times. This is regardless of whether services are delivered by the Ministry of Transportation staff or other service providers. The ministry would maintain a complete overview of service providers and their functions, ensuring that they meet all legislative and contractual obligations. The Ministry of Transportation would continue to establish standards, set curriculum, and train the service providers' trainers.

#### 1700

Some critics have suggested that this is nothing more than a job-slashing exercise. The truth is that the goal of transferring service delivery to other providers is to improve customer service while allowing for greater innovation and flexibility in service delivery. It supports this government's commitment to be a manager rather than a deliverer of services.

While the outcome of Bill 65 could affect a large number of ministry staff, new service providers would require well-trained and dedicated employees. Job offers, as required under the collective agreement, would be a mandatory part of any contract with a new service provider. It is anticipated that many Ministry of Transportation driver examination staff may find job opportunities with the new employer. The Ministry of Transportation is following its obligations as set out in the collective agreement with the bargaining agents regarding the rights and entitlements of affected staff.

Other critics have said that our rural clients would lose access to service. Again, not true. The transfer of driver examinations would ensure that drivers in both rural and urban areas have access to driver exam services within six weeks or less everywhere in Ontario. We currently



provide driver exam services in 92 communities throughout Ontario at 55 driver exam centres and 37 travel points. Under a new service provider, this government would continue to provide services in those communities. This will not change except for the potential for improved service in many communities.

It has been said too that customer service would suffer under this legislation. The fact is that the goal of this initiative is to improve customer service. Alternative service delivery would help sustain the significant customer service improvements we have already achieved while supporting greater innovation in service delivery. This initiative builds on those measures which, as I said, were announced in the fall of 1999 to improve customer service and reduce road test waiting times. I believe the people of Ontario simply cannot lose with alternative service delivery, because the whole point of the exercise is to provide them with better service.

If the selection process results in a new provider of driver examination services, the service delivery contract with the ministry would contain measurable objectives and clear milestones for customer service improvements. The goal here is to improve customer service, and the people of Ontario will be the beneficiaries.

Others have already spoken to the bill's benefits with respect to enhancing government accountability. From my perspective, this bill's real importance is simply that it will bring better, more efficient and cost-effective services to the people of Ontario.

As members and elected representatives of the people, I believe we all have an obligation to support measures that will result in better service to the public. Under this bill, the ministry would continue to set the standard for improved customer service, and it would give the private sector an opportunity to use its flexibility and innovation to deliver key driver examination services to the public. We believe the ministry's staff, resources and expertise should be used to manage services rather than deliver them directly. That is the whole purpose of the bill we have before us today.

There have been several comments made with regard to the question of privacy. I want to draw the attention of all members to the documentation that has been provided from the Information and Privacy Commissioner in fact congratulating the ministry on this bill which provides, then, an opportunity for others to look at a measure that would ensure the privacy of information as it is provided by the new deliverers of service. That is certainly critical to the whole process. Included in that is the fact that the ministry would continue to manage and supervise the delivery of these services and would ensure that new service providers adhere to a performance management system that maintains this commitment to excellence. In this way, the public would see better, more cost-effective services, and the ministry would be able to focus on its proper role of service management. When you look at the attention that was given to this issue through the fall of 1999, we can see that there is the potential to provide that flexible, innovative service throughout the province, and that is what this legislation is designed to do.

I believe all members of the House should join me in supporting this bill. Like so many other changes we have seen over the years, this proposed legislation is designed to build on the steady progress we have made to keep Ontario strong and growing. If passed, this bill will improve customer service across this province by enhancing the services that we offer to people. I invite all other members to pledge their support for the proposed legislation.

**Mr Sergio:** I rise to join the debate on Bill 65; not only the content of Bill 65 but also on the latest motion that has been introduced by the government to cut off debate. They have another way of cutting off debate. They call it time allocation. Of course, the public is not aware of what time allocation means most of the time; it is cutting debate.

From time to time, we run into people who ask, "Why don't you people tell the Premier and the government more that this is happening? Why are they doing this, and why are they doing that? Why don't you say more about certain things?" Well, this is another one of those times. We believe Bill 65, as many other bills introduced by the government, is an important piece of legislation, and I believe we should give all members of the House and the public as well, and other agencies, enough time to speak their mind. After all, we are here exclusively for that. But of course the government doesn't see it the same way we see it or the same way the public would like to see it, so they have introduced the end of debate on this particular bill, Bill 65.

What is Bill 65 exactly? As usual, they introduce a bill with a wonderful title, Improving Customer Service for Road Users Act, a very innocuous, good-sounding title, but what it's actually doing is privatizing road services, which is driver testing. I have a big problem with that, not because of what the government has introduced; it's how they are going about it, how they are introducing this particular piece of legislation and how they are moving this through the House. There's no question, it will be approved. If the government says so, it will be approved. But we are saying on this side of the House that the content of the bill does not work in the best interests of the people of Ontario. It does not work in the best interests of the people applying for a driver's licence.

1710

You may ask, what are some of those concerns? I think I'd like to address the members on the government side. Once we privatize, as they did in other areas—and I hope to have some time to cover that as well—what do we compromise, especially when we are dealing with drivers' licences, driver testing and stuff like that? We are compromising a very important aspect, which is road safety.

I have to tell you that never before—and I've been on the road now with a licence for 40-odd years—have I been as apprehensive as I am now on the highways, seeing the way people drive, let alone the maintenance. I drive quite a bit on the 401, back and forth throughout

Metro. We have gone a whole summer, and even today the potholes are still there. People are driving around at 100 kilometres, 120 kilometres an hour, trying to avoid those potholes, and this is because we have privatized the maintenance of those highways. So road safety is a very important aspect.

Cost? I believe it is ultimately going to cost drivers more money. Reduced services? Oh, yes, indeed, we will be seeing fewer services. Will it be cost-effective? I don't think so. It will not be cost-effective.

One important aspect is that they will have access to private, personal information. You may say, "Well, that's going to be very difficult, and if so, what are they going to do with it?" We have seen what has happened when the government has given authority, when they abrogated their responsibility to the private sector. We have seen that.

The province will not be retaining any liability, any responsibility to the people of Ontario. I believe this is an area where the government should maintain a greater responsibility and assure the people of Ontario, especially when they are driving on highways, that they have safety on the highways and on the roads.

How will they improve service with this particular bill? They will not. There is absolutely nothing in this bill that says, "We are going to improve service on the roads."

The abuses and corruption that could emanate from that are very real. I get the odd person walking into my office and saying, "Why do I have to go three times to get the same test only because I am moving from one class to another? I have a private delivery business. It's my life, it's my livelihood, and they keep sending me back for more tests. Why?" But if they go to Oshawa, they have no problem. They get it in no time. So there is a problem already existing there.

The problem has been created by the government itself, by not creating enough testing sites. So what do they do? They create problems. Then they say, "OK, we have overloaded areas, so we're going to privatize it now." The private sector is going to solve that problem? They're going to do it better than the government?

We have seen what happened to the liquor board. We have seen that. I think they are doing wonderfully, still being under the ownership of the province of Ontario. They are doing extremely well. It is because of the concern we expressed time and time again in this House with respect to the possible sale of the liquor board that they have said, "OK, let's put a brake on it." I have to say that they are doing wonderfully well.

One major problem that we have is that the government is not going to stop here. The minister has said in his own announcement that they are looking at other options to deliver better service, more efficient service and more safety. You are not going to do that when you turn everything over to the private sector. Can you imagine, especially during the times that we are going through now, giving the inspection of school buses, trucks, trailers and transportation of dangerous goods and

stuff like that in our cities, on our highways, to the private sector, without retaining control? I really don't think so. I really don't think we can have a more efficient system, we can have more safety on our roads or we can provide better service by turning it over to the private sector, without holding any particular power within the provincial government.

Reducing standards, public safety, the cost, lower service: these are our concerns in this House. I believe that, as Liberals, we would be doing things quite differently than just saying, "Let's create another crisis and then let's move on to sell the services to the private sector, without retaining any control whatsoever." That is not the way we are looking to provide testing facilities and at the same time provide efficiency, provide service and safety to our people in Ontario. I think the government would do well to take a good look at the content of this bill which they have brought into the House, that they want to cut debate on, that they want to push through, that they want to get over with, and then say to the people, "Yes, we have done it because it is better; we're providing a better service." I think they should be taking a second look at the intent of the bill.

It's very dangerous when the government puts in the hands of the public the interest of making money, the interest of profit, versus the safety of the public. It is because of all these concerns that I have a problem with the content of the bill. I don't think that in good faith it is a bill that in its present form is supportable. I will not support the way it has been presented in the House today.

**Mr Marchese:** I've just got a couple of things to say.

*Interjection.*

**Mr Marchese:** Only seven minutes or so? I thought I had more time, but it's more than I need to say the few things I want to say, because my focus is going to be on the issue of privatization. My colleague from Timmins-James Bay has spoken at length about this bill, so I don't have to say a whole lot, except to focus specifically on one aspect of what Mr Clark has presented with respect to Bill 65, road users, and that is this government's predilection for privatization. They love to privatize.

What does it mean? Good citizens and taxpayers, loving to privatize means that they want to take a service, like drivers' examinations, as one example of what they want to privatize out of the whole mix here in this particular bill, away from public hands and give it away to somebody else, who wants to make some money out of this. The government is quite willing to oblige, because, you see, they've been salivating since 1995 over the whole prospect of privatizing anything that belongs to the public sector and giving it away to somebody else who wants to make some money. They have this vampiric taste for privatization. They salivate at the thought.

1720

You could see the spittle just coming out of their mouths every time they think about privatization. That's what this is about. It's about removing yourself as a government and saying that somebody else can do the



job. It's about taking yourself away as a member of government saying, "Yes, we have a robust role to play in every facet of human life, in most aspects of human life," and saying, "Somebody else can do it, and do it better."

We saw as a result of September 11 how quickly people around the world see the need for governments to intervene and for governments to step in and be the protectors, the guardians of aspects of human life to the extent possible in a way that we haven't seen in the last 10 years, because in the last 10 years we have seen a wave of Conservative Alliance members saying, "We need less government, not more; we need to privatize more, not less; we need to downsize government," which they've done so effectively by removing 23,000 or so civil servants, by creating this image that the civil servants who work for you, for us, are lazy bums who don't work but make a whole lot of money. That's the image they have created over the last 10 years: lazy workers who would be better fired than to remain in their post providing the good civil service they've been providing.

So with drivers' examination tests, Mr Clark, yes, you could have solved this problem by putting in a couple more people to do the job. Mr Clark takes workers away from this service and says, "We're in trouble. The private sector will save us."

#### *Interjections.*

**Mr Marchese:** You guys are so tired. It is tiring, Chris Stockwell, to hear you guys. It's so tiring to hear you guys saying, "We've got to privatize. The private sector does it better." How long can an opposition member listen to that pap? I've been hearing it 10 long years from you guys and five or six long years from these others who came since 1995. It is absolutely exhausting. There is nothing new that comes out of their mouths, nothing new any longer. How much can I take? How much can you taxpayers take from these guys who have nothing new to offer?

They have privatized road maintenance. They said, "Road maintenance will save us a whole heap of money. If we can just privatize that service, give it away to the private sector, we will save money. The taxpayers will save money." M. Clark, wasn't that true? My friend from Timmins-James Bay has made it obvious to you, good taxpayers, and to the government, M. Clark and all, that you, taxpayer, haven't saved a penny. The auditor has proven to you and to the taxpayers that it has cost you, taxpayers, more money. But what you have is Mr Clark and others saying, "No, no, no, the private sector does it better." I say, "No, no, no." I believe the auditor, because the auditor is a watchdog, a neutral party who watches over the proceedings of what the government does and says, "No, no, hold on, Mr Clark. On road maintenance, it isn't true that we saved money. In fact, we spent more." You, taxpayer, are paying more than you did before, and we are losing more as a result of that deal. That's the game.

Highway 407 has now been completely privatized. The rates for you, Mr and Madame Taxpayer, who use

that highway have doubled since these people have come in and privatized that whole service. That's what privatization is all about. That's why I say they have this vampiric desire to privatize because they are so well connected to those private sector friends.

They privatized our jails—our public money, your public money, good taxpayer, to create these jails, turned over to the private sector so they could make a little more. That's what this is all about.

They want to privatize hydro. They would love to privatize more and more of our health care system, because we're talking about billions. But they can't do it, because you, taxpayers, good citizens, have held them at bay with that one. But wherever they can get away with it, that's what they're doing.

That's why we are opposed to this bill unequivocally. We'll say more on that as time goes on.

**Mr John Gerretsen (Kingston and the Islands):** In the few minutes that I have, let me just talk about a few items. First of all, I think the people of Ontario should understand that this is another time allocation bill. Now, time allocation is just a nice way of saying closure. You know, Speaker, you and I remember a day when closure was rarely invoked within parliamentary tradition, either federally or provincially. As a matter of fact, back in the 1950s, a federal government fell because closure was invoked in the famous pipeline debate.

Some of us may remember that. But the point I'm trying to make is that at one time, to shut off debate in our modern democracy, which is Parliament, was something that was taken very, very seriously. On occasions like this in the past, I've brought statistics to indicate that this current government, since it was elected in 1995, has invoked closure more often—

**Interjection:** How many times?

**Mr Gerretsen:** I don't remember the exact number of times—than all the Parliaments that have been elected in Ontario from 1867 to 1995, almost a 125-year period.

This government disregards democracy, and it's basically saying now, even on bills, as was pointed out earlier today, on which we have been talked out—in other words, there are very few members who still want to say anything about the bill itself—this government, as a matter of course, is saying, "Oh, we're not going to negotiate with the other House leaders; we're just going to invoke closure, because nobody out there cares any more."

That is a very sad commentary on the state of our democracy here in Ontario.

*Interjection.*

**Mr Gerretsen:** Well, I'm not sure why you did it. There was no need to have time allocation or closure on this particular bill.

I want to comment very briefly on some of the comments that were made earlier about how we can make this House and the way we function in Ontario in our parliamentary system more modern and more meaningful. I found it very interesting, and I agree with a fair number of the comments that were made by the member

from the New Democratic Party when he talked about proportional representation. I think there's some attractiveness to that.

As a matter of fact, I think we could have a modified form in which, for example, you want to ensure that every member who is elected to this House represents at least half or is elected by at least half of the people who voted there. So you could have some sort of a transferral ballot system, whereby, for example, if somebody did not get 50% of the vote, you'd take the second choices of the third or fourth candidate and add them on until somebody does get 50% of the vote. The big advantage that has is that at least you know that the person who is coming here has the 50% backing of the people in his or her riding.

So you could look at a number of different alternatives. I know that there are many other forms we could be looking at and that certainly I hope this committee will take a look at.

But what was surprising about this is that this would come from a member of the New Democratic Party. I find that very surprising, because to anybody who watches this on a day-to-day basis, people must be amazed how a party that got 12% of the vote gets as much time in the House as a party that got 40% of the vote; how a party that elected nine members—even under the old system, which may not be perfect—gets equal time in the House, basically, to a party that elected 36 members. There is something undemocratic about that.

I get comments like that from people I meet in my own riding. Why is it that when you guys get up and you've got something very meaningful to say and positive propositions to put forth to the government, we only hear from you for three or four minutes at a time, and a New Democrat gets up, the great defenders of democracy, and these people babble on for 40 minutes? The reason is that the way the current House rules are structured, somehow each party gets equal time and it really doesn't matter whether you've got four times as many members or whether you got elected by 40% of the people or by 12% of the people.

1730

I challenge the members of the New Democratic Party. Mr Bisson is back in the House. He was the gentleman who made, as I stated before, some very good comments about how the democracy of this place can be improved. But I'm challenging you, sir: do you think it's fair, do you think it's democratic, that the nine members of the New Democratic Party should have equal time with the 36 to 38 members of the Liberal Party? In question period you get equal time with us, more or less.

**Hon Mr Stockwell:** What about us? We've got 57 members.

**Mr Gerretsen:** How about you? You know as well as I do that in question period you get much more time now than you ever did before, particularly if you take the cabinet members out of the mix, because presumably you don't want to ask each other questions about what's going on in your various ministries. Your backbenchers get more time to ask questions during question period

than we do in the Liberal opposition. Now there's something wrong with that.

I'm all in favour of democracy. I'm all in favour of proportional time in the House etc, and I challenge the New Democratic Party to come up with a resolution implementing that in this House immediately.

Now let's talk about the privatization bill itself. I've only got three minutes left, because I talked so much about a subject that I feel very strongly about, and that's bringing greater democracy not only to this House but so that the people out there will have a much greater input as well.

How about this bill? I know there are people out there who sometimes think, "My gosh, a government never listens." I'll give you credit: you listened in this case. This bill is very much like Bill 137 that was brought forward last December, and you've actually improved the bill in three areas. I've got to compliment you on that. I think it was primarily as a result of what the opposition said about the bill, what we proved on a day-to-day basis in committee and elsewhere, that you made those changes. So, people of Ontario, there is a small flicker of hope out there that every now and then a government will listen, and we now have a better bill in Bill 65 than we had in Bill 137.

It is still all about privatization. It is still all about unaccountability, and for that reason alone we cannot support it, because we honestly believe that you have done enough harm in this province with all of your privatization efforts already. Look at what's happened to Walkerton. That's as a result of cutbacks and as a result of privatization, whether you like to believe it or not. Look what's happened with some of your other privatization efforts, as has already been pointed out earlier. The Provincial Auditor made it quite clear in his report of 1999 that all of the road maintenance contracts that you contracted out to the private sector, in effect, are costing you and I as taxpayers more money than when the public service did it itself. By the privatization efforts that you're making, you're costing the taxpayers more money.

There is even something much larger involved in this, and that is the question of accountability. Government should be all about accountability, so that when something happens there should be a direct relationship between the public service or the service that the public enjoys out there and who should be responsible for that. You know as well as I do, with all of these so-called arm's-length boards and commissions you have set up, you are getting further and further away from accountability and, as a result, the general public out there has less and less faith in what government does on a day-to-day basis. We're seeing it in the health care system as well, where a great amount of privatization is taking place.

I simply ask the government, stop your privatization mode. We've got all sorts of new leadership candidates out there. Come out and say, as the good Red Tories did in the past, "Yes, we believe that government has a very



positive role to play in people's lives and that we should not privatize every service that's out there." I think that candidate is going to do extremely well. I really don't believe, with any of the names I've heard mentioned so far, that this is going to happen. I believe that the people of Ontario, particularly with what has been happening in the last little while, want to have good public services. That's really what it's all about.

**Mr Pat Hoy (Chatham-Kent Essex):** I'm pleased to rise on this resolution put forth by the government that, in essence, will end the debate. They're in a mad rush to privatize and they want this bill passed quickly. It's unfortunate that we don't have more time to discuss this particular matter.

I want to first of all have members and people viewing recognize that the government set up a crisis in this situation, as it stands, prior to bringing in this privatization bill. I think every minister went to the John Snobelen school of crisis and said, "If we can break down the system, if we can ruin the system, then the public will want change." So they purposely go about ensuring that the system doesn't work properly, in this case for driver examinations. The government knew five years in advance that there would be a huge influx of persons needing to renew their licences under the G2 system. They were warned by countless persons that this was going to occur. Here we had a flood of people coming into examination offices to avail themselves of a new licence and, lo and behold, the government was simply not prepared for that influx of persons. They knew it. They were told about it. Any sound government would have recognized it without others having to bring it to their attention. That's where this all began: the government's mismanagement of how they ran driver examination centres. Now they say, "Whoa, lo and behold, we must privatize it." That's the backdrop to this whole situation.

I want to read into the record a memo, a copy of which I have received, dated September 28 of this year. "Great results. I'm really pleased to see the tremendous improvements in all DEC's re wait times. You and your staff are to be congratulated. Please pass on my sincere appreciation to them for this great effort." Who sent this memo? None other than the assistant deputy minister of transportation. He has recognized that the staff within the driver examination centres were doing a good job. The minister's stated goal is to reduce wait times through this bill. We see, re wait times, "You and your staff are to be congratulated," says the assistant deputy minister of transportation. So it is beginning to work somewhat better.

If the minister's stated goal is to have times to get a licence reduced to six weeks, we have the deputy minister saying, "You're doing a great job re the wait times. Things are improving." It took the government long time to recognize that improvements were required. It certainly wasn't at the driver examination centres that this was a problem. It was by their mismanagement, as I stated earlier in my remarks. Things are improving. So

why do we need a bill to improve? Why do we need to outsource this now? Why do we need to hand this over to the private sector?

I mentioned at one point in the House that the Ministry of Transportation is replacing workstations and computer equipment at all driver and vehicle licence issuing officers and driver examination centres across the province between October 2001 and January 2002. This legacy renewal project is being funded by the people of Ontario. The government is setting it up so that the people who will take over in the privatization of these centres will have the best of equipment. They'll have the best of workplace stations. They're setting it up for their friends, the friends of the Harris government. They're preparing now to give them the best of everything so they can turn around and privatize it. As has been mentioned in this House before, by myself and others, the Provincial Auditor has pointed out the mismanagement of sales of other equipment and the recognition that privatization was not saving any money as it pertained to our highways in Ontario.

#### 1740

So here we have two very strong points as to why this debate should go on. The assistant deputy minister, Ministry of Transportation, says that things are improving. So things are improving, as they would have long ago under a government that could recognize the problems that were coming about with G2 licences. It should have been improved long ago by not closing examination centres in my riding in places like Leamington and Ridgeway, closing centres to short-circuit everything that people could have availed themselves of in getting a new licence. That's the mismanagement that the government put forth: "We'll close driver examination centres," two in my riding, one in Leamington, one in Ridgeway, putting people at great hardship. Also, it places a real burden on rural Ontario. They closed offices. They were not prepared for the new persons who will be coming along to get their driver examinations at the end of a five-year period, which they knew all too well was going to happen, and if they didn't know, they darn well should have.

I want to talk a bit about the events of September 11. Surely all the world has learned a lesson about safety and security issues since the events in the United States on September 11. But this government persists in its agenda. It has changed nothing. They continue to sell off those institutions that provide for public safety and security to their friends. They continue to do that. It's a very scary thought. We are concerned what will happen to confidential information when it falls into private hands. I know that the government opposite says they've taken care of that. We know what happened to those savings accounts; some 50,000 of them were given to the broader public. So do we have confidence in what the government says? I would say, ask the people who took advantage of the Province of Ontario Savings Office some years ago when 50,000 provincial bank accounts were wrongly exposed to people who should not have seen them. So we don't

have great faith in what the government is standing up and purporting.

Our public services should stay public. As I say, with the events of September 11, the government has learned nothing. They continue to sell off those fine institutions that exist here in Ontario. This is a neo-conservative notion that private is better than public. That's the neo-conservative notion, and they continue to pursue it. Within the bill, the minister's own language would tell us that he may continue to pursue this.

In the bill and with backrounders, the minister has said, "And we will continue to pursue alternate delivery." That's the Mike Harris way of saying we're going to privatize even more down the road. "In the months ahead," the minister said, "our government will continue to examine the government's assets and the important services it delivers." That's code for we're going to privatize even more. "We will continue to examine innovative options to improve how services are delivered to the people of Ontario." That's code for we are going to privatize even more. We have the assistant deputy minister saying that things are slowly beginning to improve under the current system.

This is going to be a fundraiser's delight for the Mike Harris government. This is what this will be. They're going to privatize this. It was mentioned by one of the members of the government in a prior debate as to where these private companies will come from. I suggest they will come from the front rows of the Mike Harris fundraising machine. That's where they will come from.

We are concerned about rural Ontario and northern Ontario and the availability of offices to be placed there and remain there. The motivation for these private companies, of course, is to make a profit. We have grave concerns that they will not expand into rural or northern Ontario and may, as I say, withdraw from rural and northern Ontario.

We saw what happened when the government privatized in situations evolving around the Walkerton situation. We know that it was a wrong move to make. We have seen what has happened on the 407. As was stated, we can't even get the document that goes with 407.

**The Deputy Speaker:** Thank you. Further debate? Seeing no further debate, Mr Clark has moved government notice of motion number 60. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a 10-minute bell.

*The division bells rang from 1746 to 1756.*

**The Deputy Speaker:** Order. Members please take their seats. All those in favour will rise in their place one at a time until recognized by the Clerk.

#### Ayes

Amott, Ted	Hastings, John	Sampson, Rob
Baird, John R.	Hudak, Tim	Snobelen, John
Barrett, Toby	Jackson, Cameron	Spina, Joseph
Beaubien, Marcel	Johnson, Bert	Sterling, Norman W.
Chudleigh, Ted	Klees, Frank	Stewart, R. Gary
Clark, Brad	Martiniuk, Gerry	Stockwell, Chris
Clement, Tony	Maves, Bart	Tascona, Joseph N.
Coburn, Brian	Mazzilli, Frank	Tsubouchi, David H.
DeFaria, Carl	Miller, Norm	Turnbull, David
Dunlop, Garfield	Molinari, Tina R.	Wettlaufer, Wayne
Ecker, Janet	Munro, Julia	Wilson, Jim
Elliott, Brenda	Murdoch, Bill	Witmer, Elizabeth
Galt, Doug	Mushinski, Marilyn	Wood, Bob
Gill, Raminder	Newman, Dan	Young, David
Guzzo, Garry J.	O'Toole, John	
Hardeman, Ernie	Ouellette, Jerry J.	

**The Deputy Speaker:** All those opposed will please rise one at a time until recognized by the Clerk.

#### Nays

Agostino, Dominic	Crozier, Bruce	Martin, Tony
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Dombrowsky, Leona	McMeekin, Ted
Bradley, James J.	Duncan, Dwight	Parsons, Ernie
Bryant, Michael	Gerretsen, John	Peters, Steve
Caplan, David	Gravelle, Michael	Phillips, Gerry
Christopherson, David	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kennedy, Gerard	Pupatello, Sandra
Cleary, John C.	Kwinter, Monte	Ramsay, David
Colle, Mike	Levac, David	Ruprecht, Tony
Conway, Sean G.	Marchese, Rosario	Sergio, Mario
Cordiano, Joseph	Martel, Shelley	Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 46; the nays are 36.

**The Deputy Speaker:** I declare the motion carried.

It being 6 of the clock, this House stands adjourned until 6:45 of the clock.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton East / -Est	Agostino, Dominic (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Beaches-East York	Prue, Michael (ND)	Hamilton West / -Ouest	Christopherson, David (ND)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister without Portfolio (Health and Long-Term Care) / ministre sans portefeuille (Santé et Soins de longue durée)
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Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
Burlington	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of the Environment / ministre de l'Environnement
Cambridge	Martiniuk, Gerry (PC)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
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Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	Klees, Frank (PC)	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Transportation / ministre des Transports
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
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Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timiskaming-Cochrane	Ramsay, David (L)
Oxford	Hardeman, Ernie (PC)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
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Sault Ste Marie	Martin, Tony (ND)	Windsor-St Clair	Duncan, Dwight (L)
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Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Legislative Assembly of Ontario

Second Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 16 October 2001

Mardi 16 octobre 2001

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 16 October 2001

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 16 octobre 2001

*The House met at 1845.*

## ORDERS OF THE DAY

### VITAL STATISTICS STATUTE LAW AMENDMENT ACT (SECURITY OF DOCUMENTS), 2001 LOI DE 2001 MODIFIANT DES LOIS EN CE QUI CONCERNE LES STATISTIQUES DE L'ÉTAT CIVIL (SÉCURITÉ DES DOCUMENTS)

Resuming the debate adjourned on October 15, 2001, on the motion for second reading of Bill 109, An Act to enhance the security of vital statistics documents and to provide for certain administrative changes to the vital statistics registration system / Projet de loi 109, Loi visant à accroître la sécurité des documents de l'état civil et prévoyant certaines modifications administratives au système d'enregistrement des statistiques de l'état civil.

**Mr Bob Wood (London West):** It's a pleasure to join this debate tonight. It's my belief that this bill is going to make a material contribution to greater safety of our communities and our province. In order to demonstrate that, I'd like to describe briefly the threats that I see to our public safety and security; describe what I believe to be valid strategies to combat those threats; and then explain how this bill, I think, materially assists in dealing with those threats.

One of the greatest threats we have to our community safety is that of organized crime, and by my definition organized crime includes terrorism. It's something that's a relatively new phenomenon for us to be concerned about in Ontario, but I think it is important that while we may hear talk about others being attacked and so on, we recognize that every country in this world is to a greater or lesser extent a potential target for terrorists. And if any of us think that we can be complacent and think that threat does not apply to us, we're making quite a serious error.

In splitting the two threats, we have of course the terrorists, who basically are those who engage in criminal acts primarily for some political or ideological purpose. We also have the more conventional organized criminals, who engage in crime, violence and so on for the purpose of profit. I'd like to speak a bit about both of these be-

cause this bill is going to address problems posed by both of them.

False identities are very important to anyone who's going to engage in a terrorist act. It goes without saying that that's important. Most of them prefer to operate anonymously. Most of their so-called operations are better performed if the perpetrators are not identified as who they really are. The theory of how to avoid this is to deflect you as a target. So the more difficult we make it for people to gain false identities and to use false identities from Ontario, the better it is in terms of the community safety we have. It's a commonly accepted practice.

What I would draw to the House's attention about this is that what you really do when you're fighting terrorism is erect a number of levels of defence. We all know what they are, say, with respect to aircraft. You have the intelligence, you have the ground security, you have the air security. In the case of what happened on September 11, with respect to three of those four flights all the systems failed; on the fourth one, the final, informal system actually worked, where the passengers took things in hand and avoided the terrorists being able to accomplish their purpose of crashing into some target in the area of Washington.

My point in raising the principle of layers is that each of these layers is important, and in the successful deterrence of terrorism one of them actually works. What we have in this bill is one more layer—or two more layers, or three more layers, depending on how you want to look at it. I would like to emphasize that what we're doing here will significantly increase the security of Ontarians.

1850

My comments, in a somewhat altered form, can be applied as well to organized crime, ie, for-profit crime. They need false identities to do their work. The more difficult you make it to get a false identity, the more difficult you make it to do all the things they want to do, the more likely they are to do something else and hopefully do it somewhere else or, most hopefully, not do it at all. This is a pretty standard theory of how one increases public safety and deflects potential wrongdoers from a target.

I think this bill adds a number of layers that are going to be significant in enhancing the safety of Ontarians. By the way, it's not just Ontarians we're enhancing the safety of but everybody in the world. If they're trying to get a false identity here and they can't, it's one more difficulty they have in trying to perpetrate a crime.

The bill of course points out that Ontarians are going to be obliged to report lost, stolen or destroyed birth cer-



tificates. That's important because we want to know when a birth certificate should no longer be considered valid. Of course, in the overwhelming majority of cases it really has been destroyed or lost and there's no security threat. In a small number, someone may have stolen a birth certificate for a criminal purpose and the reporting could be quite crucial in avoiding the perpetrator actually being able to commit the crime.

As it stands now, there is no obligation, and people can't guess. They have to be given some guidance as to what has to be done. This legislation is doing that. Of course, once it's reported, that birth certificate is no longer a valid birth certificate. That may make the difference. They may not be able to get the passport. They may not be able to get across the border. They may be identified as a criminal when they're passing the border or applying for a passport. It's those relatively innocuous types of defences that can make all the difference.

The information on the deactivated document is going to be shared with other government identity programs, such as the federal passport office. This again introduces another layer of security. Obviously terrorists particularly, and to a lesser extent organized criminals generally, do cross borders. Some of them have to cross borders to do what they do. By and large, people are asked for a passport at the border. If we can make it more difficult for them to get one, if we can make it more difficult for a forged one to be accepted, that's another level of security.

Another feature of this bill which I think is a good one is the provision that says Ontarians can be issued only one birth certificate at any one time. Right now, and possibly for valid reasons, whatever they may be, people could have a number of birth certificates. The problem with that of course is that somebody can steal it and you don't even know it's gone. Someone can be going around engaging in illicit activities with a birth certificate that is actually a valid certificate.

As we change the provisions of our law as is proposed in this bill and as we significantly increase the fine for wilfully providing false information when applying for vital documents, I think we're going to see a significant improvement in the level of our own security.

We have to admit the fact of human nature, where certain people will commit what they think is petty crime in order to make a few dollars. That's a reality of human nature. In increasing the penalty provisions in this act, we're saying to the people, "This is a serious offence," and it's a serious offence because in what seems like a relatively "innocent" crime, you can be helping someone who is in fact a terrorist.

We can think back 30 years when spy agencies from the Soviet bloc used to engage sympathizers to go out to cemeteries and write down the names of people who had died shortly after birth. That seemed like a pretty innocent thing to do. All you're doing is going out to a public place, making a note of something that was a public record and giving it to a foreign government. That seemed very innocent.

**Mr James J. Bradley (St Catharines):** That's what Tories used to do for voters' lists.

**Mr Wood:** I heard they got the idea from the Liberals, but that's another matter.

The act, of course, appeared relatively innocent, but what the person who did that was really doing was providing an identity for a spy who was going to enter Canada or the United States or some other friendly country. So what appeared quite innocent in fact was quite serious. I think the most important reason for us to support raising the fines is to make it clear to people that this, while it seems like a relatively small crime, can have quite dramatic consequences.

I'm not going to go beyond my allotted time of 10 minutes because I know the Minister of Correctional Services has some even better points to make than I have made. We'll judge that in a couple of minutes. However, I do want to say that this bill does significantly enhance the safety of all the communities in this province and the province as a whole and also enhances the safety of people throughout the world. I commend the bill to the House and invite them to engage in quick passage of this bill so it can become law and do some good for all.

I'm sharing my time, I believe, with the Minister of Correctional Services.

**Hon Rob Sampson (Minister of Correctional Services):** I was expecting my honourable friend to continue a little bit further since he was well into the subject, but I'm happy to pick up where he left off, which is really to talk about—

**Mr Bradley:** What does Guy Giorno have to say about this?

**Hon Mr Sampson:** I'm not sure, but I say to the member for St Catharines, what I try to do is listen to what my constituents have to say about this, because of course those are the people who have asked us to come here and represent them.

I want to tell you something. What we're really talking about here, at least as it relates to the average Ontarian, is modifications to the way in which one will get access to a birth certificate in this province. Those of you who are watching tonight who have not had the chance and the privilege of representing constituents here in the Legislature won't know this, but perhaps some of the most frequent phone calls and visits to constituency offices are around one's birth certificate: they've lost it, they can't find it, they never had one to begin with, and those sorts of things. So what's happened here is that we've tried to make the law more applicable to the way in which those birth certificates are issued, and they're pretty important pieces of information.

I remember—perhaps the member for St Catharines will be interested in this—before I got involved in this business I was a bit of a baseball fan and I used to go to quite a few games in Detroit. Of course, to get across the border, Windsor to Detroit, you always had to have your birth certificate. It was an important piece of documentation that determined who you were and where you came from, and that was what they wanted to see: "Show me

your birth certificate." I went one time with somebody who took his passport with him, which is a bit dangerous, because one never knows in the area around a ballpark whether you can actually keep that in your pocket long enough. A birth certificate you can actually stick in your front pocket, inside your vest pocket, and it's probably going to be there at the end of the day. But that's what they wanted, your birth certificate, a very important piece of who you are as an Ontarian.

**Mr Bradley:** When you went there, was it to Briggs or Tiger Stadium?

**Hon Mr Sampson:** It was Tiger Stadium.

**Interjection:** Holy smokes.

**Hon Mr Sampson:** You're right. No, no, no—well, I am old. I'm old enough to know that Tiger Stadium was a great place where baseball was once played. Of course, again we're talking about birth certificates, and that's how I got to speak to Tiger Stadium, not the interjection from the member for St Catharines.

You've got to make sure this stuff is appropriately obtained. All these phone calls we're getting to the constituency offices are around this very important information, this very important documentation of who you are. Clearly we need to make sure we have a process that makes sure that a person gets his or her birth certificate and not five of them or 10 of them or somebody else's, God forbid. We need to have the process to deal with that.

The member for St Catharines, I'm sure, when he stands on his feet in this Legislature this evening, will say that this was the brainwave of the members of the Liberal Party. Indeed, it was something that was brought to our attention well before they had thought of it and something that various ministries of the crown had been working on for some time. Frankly, the events of September 11 have brought to our attention that the security audit that was done around this issue is something that should be addressed with haste, which of course is why we have this bill in front of us.

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The procedures being put forward in this bill and the regulations that will come after to establish the final procedures to get your birth certificate—I say to the people watching tonight and listening and reading—probably will not make it easier for you to get this document. I say with frankness, that's probably a cost we're all going to have to be prepared to accept in order to protect the integrity of the system that issues us this very important piece of who we are in this province.

Checks and controls are going to be necessary to make sure that the right people get the right document at the right time. These things aren't permanently attached to you. You do lose them as you move and as you go from place to place, so when it is lost, the old certificate is cancelled so it can't be reused by somebody in an illegal fashion, and a new one is issued to you, as opposed to somebody who might be impersonating you. So after this bill is passed, should the Legislature deem that this bill should be passed, Ontarians will only have one birth

certificate, either in the long form—I'm not too sure I've ever seen a long form of a birth certificate—or in the short form. I don't know if I have mine here. I probably don't have it here, but it's a little plastic card, the wallet form certificate.

Lost or stolen cards will have to be reported by the owner of the certificate to the registrar so the procedure to cancel it and prohibit and stop the illegal use of that document can proceed. By the way, information about deactivated or lost certificates, and that information recorded, will be shared with other government entities so that people, for instance, crossing the border at Detroit to go and see the ball game can't take a stolen certificate that is mine, for instance, and pretend to be me as they cross the border back and forth because that certificate will be cancelled, and when they present it to the customs officer or the security officer at the border they'll either read it electronically—and that procedure has now been put in place in many jurisdictions—or they'll record the number and it will pop up as stolen.

Forms requesting these new certificates will resemble the forms that many of have gone through and had to fill out to get our passports. You've got to get the picture identification—many of you have had to do this, I'm sure. The picture on the back is signed by yourself and then there's this person called a guarantor. We've never had to have a guarantor to issue a birth certificate before. Should this bill pass, the signature of a guarantor will be required in order to process the application. A guarantor, much like the passport one, must be somebody who has known the applicant for two years, must be a Canadian citizen themselves, and come from a profession such as that of a judge, a police officer, a mayor or a lawyer.

Somebody came to my constituency office about six months ago and asked me to be the guarantor for their passport application. I said, "Sure, I'd be happy to do that." I flipped it over and scanned down the list of people who are entitled to guarantee passport applications and noted that MPPs are no longer on that list.

**Mr Bradley:** I don't think they ever were.

**Hon Mr Sampson:** I think they were at one time. I say to the member for St Catharines, they were at one time. I think this was changed a year or so ago.

**Interjection.**

**Hon Mr Sampson:** It's not on the form, interestingly enough. So when it lists those who are allowed to do it, it doesn't have MPPs and it used to.

**Hon Tony Clement (Minister of Health and Long-Term Care):** Only opposition MPPs are allowed to do it.

**Hon Mr Sampson:** It may well be only Liberal MPPs. That could be what's happened. I'm sure we'll get this one right because the intent is to make sure that those who can authorize them should be allowed to do that. So there must be a specified profession: a judge, a police officer, a mayor or a lawyer, and maybe an MPP, who knows? We'll have to ask the member for St Catharines his view on that.

Was there somebody to follow? I don't think so. I'm going to continue anyhow.



**Interjection:** You're on a roll.

**Hon Mr Sampson:** I'm on a roll here and I've got a minute and 24 seconds and so much to talk about. Let me just say that an important part of this bill has to be the penalties that are applied for the misuse of this very important document that many of us use for such commonplace things as going to a ball game for an afternoon of entertainment. It's such a fundamental piece of who we are and what we are in this province, such a fundamental piece of other documents that are subsequently issued, like passports, that we've got to make sure that those who want to get around the law and abuse their right to be a citizen of this province should be properly penalized.

So the bill has in it sizable penalties, up to \$50,000, for instance, or imprisonment for up to two years less a day, which would mean they would come under the jurisdiction of the minister of corrections of the day, whoever that is. These are sizable penalties, as they should be.

As I close, I say to the members here, this is a fundamental piece of who we are in this province and we have to make sure we have the legislation to protect its integrity. That's what this bill does.

**The Deputy Speaker (Mr Michael A. Brown):** Questions and comments?

**Mr Bradley:** I know a judge who would do one. The member for Ottawa West-Nepean, if he were to sign it, I tell you, you would get your birth certificate for sure.

**Hon Mr Sampson:** But he's a judge.

**Mr Bradley:** He's the person who probably has the most authority in this House to do so. I would ask him; if I had to get a new birth certificate, I'd make sure I asked the member for Ottawa West-Nepean.

I say this particularly to the Minister of Corrections: I'm glad you gave credit where it was due to Dalton McGuinty, the Leader of the Opposition, who—

**Hon Mr Sampson:** But I didn't.

**Mr Bradley:** I thought I heard you say that. I'm glad you gave credit to him, because when he asked the question in the House, I well recall my good friend Norm Sterling was startled by the question and kind of dismissed it by saying, "That can't possibly be the case." Then, to his credit—I like to give credit to people where credit is due—he did a full retreat. He went back to the ministry, found out that the Leader of the Opposition, Dalton McGuinty, was right and he came back in here and said that indeed there were problems with the system and there was going to be an effort to correct them, after the Leader of the Opposition had raised it in the Legislature.

So I like the generosity of the minister of corrections in allowing that it was the Leader of the Opposition who gave them yet another idea to implement in the Legislature. This is the kind of bipartisanship that we in the opposition are prepared to engage in from time to time. The other day I wanted to have the OPP investigate, because the government was stealing so many policies from the opposition I thought it warranted an investigation for thievery. I say that in the nicest terms, not in other terms.

But I can say to the Minister of Corrections that I am delighted he agrees that the Leader of the Opposition initiated this legislation.

**Mr David Christopherson (Hamilton West):** I'm pleased to rise and comment on some of the remarks made by the speakers. I'll just say to the minister of corrections that it's interesting that one of the first points, and one of the ones where he really started to show a little passion toward this bill, was when he got talking about penalties. I would just say to the minister that, having walked in your shoes, one of the things you've got to watch is that you don't get too caught up in the whole issue of penalties, discipline and retribution. That job can do some strange things to you.

Let me also say to the member from London West—I and I never though I'd be commenting in this direction to the member, given his usual leanings on the matter of law and order—I thought he was being far too kind to individuals who are asked by foreign powers to go to graveyards and literally take down tombstone information, particularly on citizens who died shortly after being born, and provide it, suggesting that these poor innocents were being led astray and that it wasn't as innocent as it looked. I would suggest to you that anybody stupid enough to think that this is an innocent activity ought not to be trusted with the information they bring back.

Let me also say that I agreed with the member from London West when he talked about the fact that duplicate certificates will no longer be allowed. Often, some of the major problems that exist are quite surprising when we actually take a look in this place at legislation we otherwise wouldn't, and don't, for long periods of time. I would think, had we any other reason to look at this bill before, we would have seen the glaring difficulty of allowing individuals to have more than one birth certificate. So I agree with him that ensuring that individuals have only one original birth certificate makes a lot of sense and is a good part of this bill.

**1910**

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to comment on the debate. Certainly, this piece of legislation has very stiff penalties with respect to the activity that needs to be dealt with. I think the member from Hamilton Centre—

**Interjection:** West.

**Mr Tascona:** West—pointed it out very clearly. I wouldn't want to give the member from Hamilton Centre any credit, but the member from Hamilton West certainly pointed out, as the Minister of Correctional Services did, the activity that the minister is trying to deal with in terms of birth certificates.

I would say that dealing with this type of issue is a very serious issue, because all the members have dealt with birth certificate applications in their offices, and everybody knows that's the fundamental document you need to get a passport. I think my office was the busiest office in the province in terms of dealing with birth certificates, and the minister who is responsible for this bill, in his wisdom, put it into a more uniform process to

be dealt with at our local registry office. I can say I've heard nothing but praise for that process, to give people the access they need. Because it's amazing the number of people who do need birth certificates, either through losing them or any other means of having to get that information.

So I would say that this is a very, very calculated and measured response to deal with the issue. The penalties are very directed in dealing with the activity.

**Mr David Ramsay (Timiskaming-Cochrane):** I think it's interesting that the debate we're having tonight on this bill really reflects directly on the events of September 11. The world changed then, and I think we as members all see the activity we have in our offices. As the member said, the application for replacement birth certificates is one of the functions that MPPs provide throughout the whole province, in all of our offices. I don't know whose office is the busiest, but we all have very busy offices and we have great staff who do a lot of good work on behalf of the people of Ontario. It might be a good time for all of us to thank the staff for all the work they do on behalf of the people of Ontario.

Much of that work is helping people out with their government documentation and, as the previous speaker said, applying for a passport. I usually find in my office that a lot of the people in my riding certainly aren't world travellers, but maybe a vacation comes at the right time in their life or there's a sickness in the family and they have to travel overseas, and all of a sudden the need for a passport now occurs, which maybe never had occurred before. People start to look through their records and see that they do not have a birth certificate.

It's something that we just issued in our forms and applications on a basis of trust. I guess that's where the world has changed since September: we can no longer just trust everybody at face value, unfortunately. There are, as Mr Bush would say, evildoers in the world and we have to be more vigilant and tighten up the requirements for documentation that proves people are who they say they are. That's why we need more stringent regulations.

**The Deputy Speaker:** Response?

**Mr Wood:** I was interested in the exchange between the Minister of Correctional Services and the member from St Catharines. And by the way, I'd like to thank all the members who offered questions and comments on what was said earlier. But I was interested in the exchange between those two members. I'm not that concerned about who thought of this first, but I should share with our friends across the way a principle that this government follows with respect to such matters. It was set out by the late Premier Leslie Frost. He said, "I always listen very carefully to what the opposition says and then steal all their best ideas." So if you folks did mention it first, you're on notice that we have stolen the idea. When it comes to good ideas, I admit to being a thief, because that's where I get most of mine.

The member for Hamilton West made reference with respect to penalties. I think the purpose of penalties here is to serve notice to those who might do it. I would like to

assure him, by the way, I'm not in any way being kind to those who took the information off the tombstones. I'm merely pointing out to the House that a lot of them didn't understand the gravity of what they were doing. What they did was a major blow to the security of this country and other countries, and I'm not in any way whitewashing it or justifying it. There was reference by one of the speakers with respect to the importance of balancing security and access, and I think that is absolutely correct. I think the bill does a reasonably good job of that. It may be that experience will tell us we have to make some further changes, and I for one am open to that if that's what is needed.

There's also reference made by one of the members to the fact that the world has changed. I think that's an important observation that all of us have to keep in mind. It is different. We have to respond to that and make sure we keep our communities and province safe.

**The Deputy Speaker:** Further debate?

**Mr Bradley:** Thank you for the opportunity to debate the McGuinty bill on birth certificates. I well recall the day I was in the House, listening to the leader of the official opposition rise and ask a question of my friend Norm Sterling, the Minister of Consumer and Business Services. He asked him about the birth certificate and Mr Sterling kind of dismissed the question. He said, "I do not believe that to be the case." That was when Mr McGuinty had indicated how easy it was to get a birth certificate in Ontario. As I said to the Minister of Correctional Services, I'm always prepared to give credit where credit is due. The minister beat a retreat the next day, waved the white flag and said, "Yes, Mr McGuinty, you were absolutely right on that issue, and I'm now prepared to bring in legislation to deal with it."

This is what I like to see. I like to see this spirit of bipartisanship. I've seen it so often. I've seen the government steal all the good ideas that the opposition proposes, dress them up as their own and then try to take credit for them. There's not a patent on them, so we can't prevent that from happening. I think it's a form of a compliment to the opposition when you steal those ideas.

**Hon Mr Sampson:** The NDP stole our tax cut idea.

**Mr Bradley:** You're right: the NDP has stolen the tax cut idea from the Conservatives, which really has turned things upside down.

I want to tell you that there has been a problem with birth certificates for awhile and there's been a problem with a lot of things for awhile, but I think it's unfair to point the finger at governments of all levels because of something that happened on September 11.

Since September 11, we expect that governments are going to react in a very drastic way to what happened and that our way of life is going to change. Many people in Canada like the fact that there wasn't much of a hassle at the airports. Unlike the border at Detroit, very often at the one at Buffalo or Niagara Falls or Lewiston there was no identification that was required when a person was crossing. I think we liked that. We liked that open border concept and we liked the fact that we didn't have the security that others felt they had to have.



I've had people tell me that they have travelled in some significant, large airports and major cities in Europe and have seen for the first time in their lives—these are North Americans, particularly Canadians—people with automatic weapons standing in an airport—quite shocking to them—and signs that would say, “Do not leave your baggage unattended or it will be blown up.” We kind of liked that atmosphere, and I think many in our country and our province wish we could continue in that vein, but things changed.

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That's why I think you will find that while we want to point out areas where there's a need for action, there is not going to be the kind of partisan finger pointing about what happened before September 11, because we recognize how much the world changed on that occasion.

You know that the Leader of the Opposition asked questions about security around nuclear generating stations. There was an incident where a person was able to approach the Bruce nuclear generating station, get into the property and make a telephone call. I recall asking a question somewhere around 1979 about somebody gaining access to one of our nuclear generating stations. I think it was Bruce. At the time I was asking Jim Taylor, who was then Minister of Energy in this very Legislature, about how that could possibly happen. I think in that case it was a couple of environmentalists who wanted to point out a problem in terms of security at the plant. But we have to ask these questions now.

We have to know that since September 11 there is going to have to be an expenditure of financial resources that was not contemplated a year ago. This is why it's going to be important for the government to have the necessary revenue flow to be able to meet those new obligations without cutting in other areas where essential services are less than what the public would like today, let alone what they might be with some severe cuts.

I happen to believe that it is not wise for the government to be proceeding with a huge tax cut for corporations in this province—over \$2 billion in corporate tax cuts. That is not going to generate economic activity as the government contemplates it. Any generation of that activity will be minor as a result of these tax cuts and the government is going to lose millions—in this case, a couple of billion dollars—in revenue. We're going to require that, because justifiably, the Solicitor General, perhaps the corrections minister, the Attorney General, the Minister of the Environment, the Minister of Health, all of these people are going to be coming to Management Board of Cabinet, which approves all expenditures, and asking for more resources to carry out their responsibilities.

This government is going to be in a real crunch mid-year, as Mr McGuinty mentioned to the Treasurer of this province, Jim Flaherty. He said, “Mid-year you're going to be into a major constraint,” that is, a major slashing of government expenditures. I'm concerned about that. I can see problems with the health care system and I can see problems with the environment system, because we have to have security for our water supplies.

The member for Thunder Bay may well want to engage in debate this evening. He was asking me earlier if I thought I would go the full 20 minutes. Two of my colleagues have been asking me if I am going to go for the full 20 minutes, hinting that perhaps I should be sharing my time with the member for Thunder Bay, which I certainly am prepared to do.

**Mr Michael Gravelle (Thunder Bay-Superior North):** No need to.

**Mr Bradley:** No need to, he tells me. That's good to hear.

I think there is a time now where various levels of government have to work together. I was very surprised, because I think the Solicitor General has contemplated this working together—contemplated, at least. There is no full agreement signed, as our justice critic noted today. But I heard the member for Northumberland up in a rant against federal legislation, which goes far further in terms of removing personal liberties than many who are concerned about personal liberties would like. He was in a full rant.

This is a change. This is a difference from America. Right now the bipartisanship in the United States is something to behold. It's not that there's total compliance with what the President wants, but there is considerable support out there and a willingness to work together and to take one another's ideas and put them into effect.

We see some of that here. We see some of that in Ottawa. But I get concerned when I see the buck-passing and the finger pointing. I asked a question of the Solicitor General about water safety, along with Michael Bryant, the member for St Paul's. As soon as I said “the security of the water supply,” immediately he was ready to palm that off on municipalities. I notice with this government that the ministers are first in line to accept the credit and last in line to take the responsibility. When there's good news, they are there to make that announcement. When there's some difficulty to be met, their finger is pointing at Ottawa, at the municipalities, at the weather, at the opposition, at the three governments previous, something of that nature, trying to avoid that kind of responsibility.

We are also going to need money that is now being expended in other places. This government has now spent over \$240 million on self-serving, self-congratulatory advertising. The last time I saw that was the full-page ads. We saw them midweek this week and then in the Saturday papers. If they were entirely informational, I suppose one could say they could be justified, but right there in the ads is the back-patting from the government, the self-congratulatory message using again taxpayers' dollars to promote the Progressive Conservative government. If the Conservative Party had paid for that advertisement, I could not complain, quite obviously, but when hundreds of millions of dollars are now being expended on self-congratulatory advertising, I think that money could be better used in the health care system, to increase our security, in the education system or elsewhere where it will be much more productive.

I recall asking a question in the House—and unfortunately we have to do that these days. Back on Septem-

ber 27, I asked the Solicitor General if he was prepared for—wait for the word—anthrax. Nobody seemed to know what anthrax was at that time. Certainly our good friends in the news media did not consider it to be a matter of great interest. Four or five days later, everybody was talking about anthrax and smallpox and people who might get licences to drive dangerous materials around the province. Unfortunately, these are the things we have to look at now. That's why a special effort has to be made in terms of security, and a good deal of that responsibility will fall within the purview of the provincial government. We will be vigilant on this side, as is our job, to ensure that all of those bases are being covered.

I want to say as well that I don't know whether our hospitals would be able to handle a major occurrence such as happened in the United States. I may reword that to say I'm fairly confident we would not be able to. Right now, there's a redirect on. When an ambulance heads for a hospital and asks if they can bring the patient to the hospital, that ambulance is redirected elsewhere, and that is a problem. It seems to me that we will be in the position, post September 11, of having to add, as our leader has said in his questions in the House, many additional beds in our hospitals. We had hoped that—

#### *Interjections.*

**Mr Bradley:** I should say to my friend John O'Toole, through the Speaker of course, that those hospital beds were needed in any event. If you want to know how I can bring in the CCACs to this argument, the community care access centres, let me tell you how I can do it, Mr Speaker. You'll be interested.

The last person who had any money for the Niagara area was our good friend from Burlington when he was the minister responsible. Since then, we've been abandoned in various parts of the province in terms of the genuine needs of the people of Ontario.

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**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** How many millions did we give you, Jim?

**Mr Bradley:** The member for Burlington knows where Niagara is. Some people don't seem to know where Niagara is. The member for Burlington knows where it is.

Let me set the scene for you. If we are to have sufficient beds in our hospitals to be able to handle a major emergency, that means people have to have the home care they need so that when they are discharged from hospital, they are not brought back to a hospital because they were discharged too early. Right now it's appalling, in some circumstances, the state of illness people happen to be in when they are thrust out of a hospital. We have to have those essential services in the community—we're referring now to home care—in order to ensure that those beds are freed up for emergency and acute care. Secondly, some would say—I say primarily—we need service for people in any event. So you

can see, Mr Speaker, how community care access centres are affected by this piece of legislation.

We have to understand as well that included in a package dealing with security has to be the ability to cross borders. The minister of corrections has made a couple of references to crossing borders. Because of the volume of business we do with the United States, it's essential that people and goods be able to pass the border in a timely fashion. I think we can contemplate what would happen if that were not the case. Many companies that now locate in Ontario and Canada might feel that if the border is a major obstruction, then they should have the jobs south of the border; in other words, their operation south of the border. Those of us who represent automaking and auto parts manufacturing in Ontario recognize probably as well as anyone the importance to move product and people across the border.

There is no question that we can have an impact. As the economy is hit by this particular downturn—we were already in a downturn to a certain extent, but hit even more in this downturn—it's going to be important, as they have in the United States, that we have an economic stimulus package. I don't think that can be contemplated in terms of a \$2-billion tax cut for corporations. Rather, I think—and each one of us knows this; each minister would know this and each one of us in our communities would know this—that we can accelerate some capital projects. That is, not something we've dreamed up, not something that doesn't have to be done, but projects which have been planned in various ministries can be advanced in their date and the money invested and flowed at an earlier point in time to generate direct economic activity. There is a spinoff in terms of revenue for government. People are employed; businesses feel that extra impetus from these kinds of investments on the part of government. I think that would be extremely helpful to our economy, because we recognize that we're in turbulent and difficult economic times now.

Why is that? We in the opposition have said for the past five years or more that the American economy has been booming and Americans have been purchasing products from Ontario. Therefore, we have benefited from the economic policies of Bill Clinton and the Congress with which he dealt. Now, when there's a major downturn in the United States, we're going to feel the impact again. It may be that while those of us in the opposition were not prepared to give you the credit on the other side for the boom in the economy, we might be happy to give you the responsibility for the downturn. But of course that would be unfair, and I don't want to be unfair to members on the government side.

In terms of the legislation itself, there are going to be some difficulties; we recognize this. A couple of members who have spoken have talked about some of those difficulties. One of the questions is, what did you weigh at birth? I wonder how many people in this Legislature would know what they weighed at birth. I suspect not many.

**Hon Mr Jackson:** I do. I know the minute I was born.



**Mr Bradley:** The member for Burlington knows.

**Hon Mr Jackson:** At St Joseph's Hospital in Hamilton. One of 10 brothers and sisters.

**Mr Bradley:** And how much did you weigh?

**Hon Mr Jackson:** Seven pounds, nine ounces.

**Mr Bradley:** Seven pounds, nine ounces, he happened to weigh at that time.

*Interjection.*

**Mr Bradley:** The member for Sudbury had an interjection which I will ignore in this particular case.

**Hon Mr Jackson:** When you were born, what was your birth weight?

**Mr Bradley:** I was normal at that time: seven—

*Interjections.*

**Mr Bradley:** At this time, a little heavier than I'd like to be, I might say, as is probably the case with most people. I think I was about seven and a half pounds then, and since then I've put probably 140 pounds on, something like that.

Anyway, I do want to say I'm going to be waiting for the intervention of the member for Thunder Bay-Superior North, when he in his two-minute reply indicates, indeed if he does, how important this bill is.

Let me, in wrapping up on this piece of legislation, say the following things. You've made an unwise decision on the governing side to give a huge tax cut to corporations, because it's going to deprive you of the revenues you're going to need to implement new security services and to meet the existing needs of the province of Ontario. That's something you've done that is wrong.

Something you've done that is right is that you've adopted the suggestion of the Leader of the Opposition, Dalton McGuinty, that legislation of this kind is required to tighten up birth certificates. We all know of instances we've read about where people have falsely obtained birth certificates. The consequences today are far graver and greater than they would have been pre-September 11.

**The Deputy Speaker:** Questions or comments?

**Mr Christopherson:** I'm pleased to respond to the comments of my friend from St Catharines. First of all, let me say that I agree with him entirely in his closing remarks when he talked about tax cuts and the fact that you've made them so severe that whether or not there's enough money to adequately deal with all the security issues we have is a serious question.

But having said that, let me say that at the end of the day I doubt that this government would not find the money, which also then suggests that when they say, "No matter how much we might care about our hospital system, no matter how much we might care about the homeless, about people in poverty, about the lack of an Ontarians with Disabilities Act and the services they need, we just don't have the money. We want to do it but we don't have enough money to do it," it sort of stands that on its ear, because when it's law and order, which fits nicely with the image at least that you want to project, boy, the money's there.

But I think my friend from St Catharines was saying the money would be there with a lot greater ease and

without having a lot of the damage—dare I use the term "collateral damage"?—that's been done to an awful lot of people and families along the way. So I want to underscore the point that he made. I thought it was an excellent one, as are most of the points that member raises.

He also talked about the co-operation necessary between the different levels of government and talked about the anthrax scare and what that means for our hospitalities. All partisanship aside, that makes a great deal of sense. But what it means is—and this is the point he was making—that the almighty dollar can't be guiding policy. Policy, when it comes to security, needs to be first, and then find the money; make sure the money is there. Without that co-operation, we're going to find ourselves short.

**Mr John O'Toole (Durham):** It's always a pleasure to respond to the member for St Catharines because I know he has put considerable time in here and has a great deal of experience. So I do try to attend when he comments on a bill.

I was quite disappointed, for the first time, that he really commented on everything else but the bill. I think for the sake of the viewers it's important to recognize that we're dealing with the vital statistics act, Bill 109, and it is dealing with the birth certificate and the process to make sure, in hindsight, that we have a secure system. It's a very important document. It really is the initiating document, not just for birth but for many other subsequent documents.

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I have to commend Minister Sterling. We're looking at Bill 109, and I'm holding it up here for the members who want to look at it and actually read it. It's important to note here that the minister introduced this on October 11, a month to the day of the tragic events in September. I commend Minister Sterling.

I should say as background to this that these bills don't just come out of a simplistic question by the Leader of the Opposition, however well intended. He probably saw a draft copy of this bill. They do get a lot of leaked copies for some reason. There is no other insight he would have.

There was an OPP audit a year ago that Minister Sterling initiated, and from that there were 95 recommendations. For the record, of those 95 recommendations, 59 have already been implemented. This bill really completes that task. Between the initiation of September 11 and October 11 when this bill was introduced, clearly the job—

**The Deputy Speaker:** Questions and comments?

**Mr Gravelle:** I feel under enormous pressure because, as members of the House know, I was supposed to have half of the 20 minutes that the member for St Catharines was going to have.

The truth is, I'm glad it worked out the way it did because I think the member for St Catharines covered everything I was going to say, and in extraordinarily good fashion, including the fact that we have Dalton McGuinty to thank for this piece of legislation, for his

alertness, for his sharpness. Despite the fact that the minister at first was rather slow to concede that point, he did indeed concede that point, and it is important legislation. There were the points the member made, quite relevant, to the fact that the government went out last week and spent over \$1 million on advertising which could have been spent in a far more useful fashion. Dalton McGuinty was in Thunder Bay last week visiting in my constituency and that of Lyn McLeod, the member for Thunder Bay-Atikokan. He made the point that the money that was used for advertising could have been used to speed up the process by which foreign-trained physicians could now be practising in Ontario. We all know about the doctor shortage. So I think the member for St Catharines covered all those points in an extremely effective fashion.

One has to also look at the fact that when one sees the decision being made by the government, the stubbornness of the government in terms of maintaining their determination to go ahead with their \$2.2-billion tax cut to corporations when indeed we are under extraordinary new stresses financially now that, quite frankly, have not yet been calculated, we may not be able to meet that as a result of those stresses, yet the government still insists on going ahead with what clearly are not well-thought-out corporate tax cuts.

I feel pleased to have the opportunity to make some comments relevant to this particular piece of legislation. I'm glad it has come forward. I thank Dalton McGuinty, and I certainly thank the member for St Catharines and all my colleagues in the Liberal caucus, for giving me this two minutes to respond to make my points in support of this bill.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I am always happy to comment on the remarks that are offered so very well, so very succinctly, by the member for St Catharines. I thought he made a number of salient points. If they weren't to the bill, they certainly were to very important matters that affect all Ontarians.

With regard to Bill 109, as my colleague from Thunder Bay-Superior North has indicated too, we have a great deal to thank our leader for. Later on this evening, when we have further debate on Bill 109, I intend to make more comments about the role of the opposition. But it is appropriate that we recognize this evening as well that a loophole was exposed, and this bill is intended to address that loophole.

It's important for all of us to be on guard, particularly after the events of September 11. There are forces about around the world, including Canada, including Ontario, that require us to be more vigilant about the way we carry on our business. This of course is going to contribute to that vigilance.

In our role as MPPs, the provision of birth certificates is something that we are very regularly required to assist. I've already had conversations with my staff about the importance of ensuring that when people come in for this service, they understanding the importance of it, and that

we do all we can in our role as MPPs to ensure that the security of that document is considered and ensured. I do have more points to make on that later on.

**The Deputy Speaker:** Response?

**Mr Bradley:** It's very nice of all the members to bring a different point of view—Mr O'Toole, Mrs Dombrowsky. The member for Hamilton West, Mr Christopherson, offered some salient points, as well as Mr Gravelle. Again, a lot of good suggestions are coming forward now from various sources. This is the way this Legislature should work.

It's going to be particularly important in the weeks and months ahead as the government is in total disarray because the leader has stepped down. We know that at the present time—I don't say this in a nasty sense at all—everything is run from the centre, from Premier Harris's office. Now that he is stepping down, we can expect total disarray and disintegration of the government benches.

I am awaiting some brown envelopes coming from various rivals for the leadership. They will send a question over that might be embarrassing to the other rival in the leadership race. That might well happen if things get—

**Hon Mr Jackson:** How would you know about that?

**Mr Bradley:** I just assume that, looking at the intense rivalry happening. It's going to be extra important, while the government is in total disarray and disintegration, that we in the official opposition provide to the government some new good ideas for legislation. They've adopted this particular suggestion from the Leader of the Opposition. I know they've adopted some other policies that we've suggested. I can absolutely assure the members that we on this side, and I'm sure the New Democrats—at least the member for Hamilton West, if not the New Democrats—will provide that kind of suggestion to the government. I hope that in matters of these kinds we can work in a bipartisan, positive sense and help out at a time of disintegration of the government.

**The Deputy Speaker:** Further debate?

**Mr Norm Miller (Parry Sound-Muskoka):** It's my pleasure to join in the debate this evening on Bill 109, the Vital Statistics Statute Law Amendment Act (Security of Documents), 2001. I'm certainly happy to see all parties working together this evening on this bill.

We all wish the tragic events of September 11 had not happened, but it is not possible to go back in time. We learned a lesson that day. We have seen that in societies such as ours the protection and control of vital documents could be stronger.

While we have no evidence that Ontario vital documents have been misused to assist in any acts of terror, the government has decided to move quickly to increase security. Not acting quickly would be dangerous and would be opening the door to identity theft. With this bill, the government of Ontario is responding to the responsibilities on all fronts. Protecting vital documents is essential if we want to protect the freedom of the people of Ontario.

Contrary to what the member for St Catharines said, the Ministry of Consumer and Business Services started a



security overhaul and implemented the recommendations of an OPP security audit long before the terrible events of September 11. We have heard the Honourable Minister of Consumer and Business Services, Norm Sterling, tell us of one of the main sections of this legislation, which states, "If the registrar general considers it necessary to verify information or to determine if any document issued or that may be issued under this act is being, or may be, improperly used, the registrar general shall collect, directly or indirectly, such information as he or she considers necessary from such persons and institutions as he or she considers appropriate."

This legislation will allow the office of the registrar general the ability to confirm the validity of birth certificates by sharing information with law enforcement agencies. The events of September 11 are forcing us to take a long look at what we think the ideal balance is between public safety and privacy protection. The legislation allows the registrar general to obtain and share information where the registrar general believes a person is making, or may make, improper use of any document that has been or may be issued under the act or for the purpose of verifying information.

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"If the registrar general considers it necessary to verify information or to determine if any document issued or that may be issued under this act is being, or may be, improperly used, the registrar general shall collect, directly or indirectly, such information as he or she considers necessary from such persons and institutions as he or she considers appropriate."

The legislation amends the act to expand the list of persons who are bound by secrecy provisions.

"No division registrar, sub-registrar, funeral director, person employed in the service of Her Majesty or other prescribed person shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this act, or allow any such person to inspect or have access to any records containing information obtained under this act."

Every government is learning that new information technology and new information processes create new concerns about privacy. Privacy can be protected most effectively if we treat it as a broad public concern. Therefore, as we expand the responsibility of the registrar general to verify information, it is only fair that we make sure that this information remains confidential among individuals, agencies and organizations whose responsibility it is to verify that the information provided is right. The act contains a provision to increase fines to \$50,000 for individuals and \$250,000 for a corporation and/or to impose a jail term of up to two years less a day.

"Every person who neglects or fails to give any notice or to register or to furnish any statement, certificate or particulars respecting the birth, marriage, death, stillbirth, adoption or change of name of any person, as required by this act, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation."

This shows the seriousness with which the government is treating the security of vital statistics.

**Mrs Dombrowsky:** Mr Speaker, on a point of order: Is there a quorum present?

**The Deputy Speaker:** Is a quorum present?

**Clerk at the Table (Ms Lisa Freedman):** A quorum is present, Speaker.

**The Deputy Speaker:** The member for Parry Sound-Muskoka.

**Mr Miller:** Everybody will agree that it is difficult to put a price on safety and security. Given the value of vital documents, we want the maximum fine to reflect the level of care that consumers must take with these documents. We recognize that not all situations will result in charges being laid or maximum fines. However, the value of vital documents must be stated clearly and therefore the fines must reflect the care we must all take with these documents.

The legislation amends the definition of, and references to, "division registrar," to allow the office of the registrar general to specify persons other than municipalities to report information and registrations.

There are complementary amendments to regulation-making powers. This ensures regulation-making authority for all new prescribed items. This legislation gives the registrar general the flexibility to phase in the implementation of new methods of registration.

As a further step, the minister has written to his counterparts in other provinces and territories and has promised to be in touch with his colleagues at the national level to bring together a working group on vital document providers. This group will be dedicated to making the falsification or improper use of documents much more difficult within our borders and those of our neighbour.

The process and system used to issue Ontario birth certificates were developed before the identity-theft problem became a growing concern. Advances in processing and technology now allow the government to meet the challenge head-on.

It is time to take action to protect Ontarians and their families. This legislation is a good balancing act to keep a society such as ours open while protecting it from potential harm. For this reason, I am proud to ask for support from all members of this House for this bill. I look forward to testing out the procedure as I apply for my new birth certificate, having misplaced my birth certificate in the last while. I'll pass on to the other member now.

**Mr Bart Maves (Niagara Falls):** It's a pleasure to rise and speak to the Vital Statistics Statute Law Amendment Act, obviously an important piece of legislation, which will provide for the integrity of vital statistics documents in Ontario. This legislation will improve service so that Ontarians can register and get certificates for the most important events in their lives in a secure and reliable manner, avoid identity theft and increase the validity of our current data.

The security measures proposed in this bill for the issuance of birth certificates are necessary. They are necessary to protect Ontarians and their families against identity theft and other criminal activities. These new security measures are responsible and prudent.

I must stress that most of these changes, as my colleague before me also pointed out, have been in the works for some time. A security audit undertaken last year prompted the implementation of several security measures. Today with this bill we are actually accelerating those remaining measures. I think the minister made that apparent upon introduction of the bill and, as the member from St Catharines stated several weeks ago, after the September 11 attacks on America, the question was raised in the Legislature, and indeed the minister talked about the need for reforming our system of getting birth certificates.

I know the member from St Catharines—I listened to his speech earlier—talked about the ease with which Canadians and Americans have crossed the border for many, many years; he and I have done that all of our lives, going over the border for the odd dinner at a restaurant or going over to see a football game or a hockey game or for some other reason—

**Hon Tim Hudak (Minister of Tourism, Culture and Recreation):** Chicken wings.

**Mr Maves:** Chicken wings and so on. And he's right: quite often, I've gone over the border and probably not even had a wallet with me, not even had any identification. I left the house knowing that I didn't have the wallet, but knowing that so rarely would they pull over and ask you for identification in crossing the borders that you don't worry about it.

**Mr Christopherson:** You broke the law. Tories don't break the law.

**Mr Maves:** Of course, that driver's licence was always in my vehicle, in my glove compartment, to the member opposite.

Quite often, we've grown accustomed to this ease. Now we're concerned—

**Mr Christopherson:** Now everybody knows where you keep your wallet.

**Mr Maves:** My licence, to the member opposite. The members opposite are concerned about my not leaving my wallet on my person, so I will take them up on their advice and try to make sure it's with me at all times from now on.

However, as the member from St Catharines said, that's something we've become accustomed to, but no more. In fact, in earlier conversations with my colleague Mr Hudak, the very able Minister of Tourism from the riding of Fort Erie—he was actually at one point known as Inspector Hudak, as he worked for Canada Customs at the Fort Erie bridge. I think people back home would be proud to know that when he was Inspector Hudak he actually led the Fort Erie bridge in seized vehicles two years in a row. So there was someone who was on the job, paying very close attention to what he was doing and taking seriously his job of security in the province of Ontario.

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But I digress slightly, as the members from St Catharines and Hamilton West threw me a little bit and got me off my line. This is an important bill and I shouldn't digress, because one of the important things the bill will do is limit the number of certificates and certified copies of registration issued to Ontarians. Not more than one certificate and one certified copy of a registration may be issued in respect of a birth, with certain limited exceptions.

Unbeknownst to me, apparently in this province you've been able to get several copies over the years of birth certificates. One can see how several copies of a birth certificate for one individual could lend itself to fraud, and perhaps has indeed done that. Now mind you, we've inherited this system. It was one we inherited when we came to office in 1995, and it's something that we, over the past six years, probably didn't pay close enough attention to, nor did the governments before us. But I think now it is important to pay closer attention to things like this.

You must note that public and private sector organizations rely on birth certificates as evidence to access programs and services. As I said, there's no restriction on how many of the same birth certificates an individual may request. There is a restriction on the number of other documents, such as OHIP cards, social insurance cards and passports, obviously. One wonders why our government and the previous governments before us didn't see this loophole of multiple certificates and act on it earlier. So I think it's very important, obviously, when it's now in front of us, that we do deal with this. This bill will do that.

In this bill we've also given a new fraud protection and detection mandate for the office of the registrar general who, by the way, for the people at home, are the ones that actually handle all of the data collection and the production and delivery of birth certificates. Again, this is an important new mandate that they will have. The registrar general, in his or her sole discretion, in what he or she considers an exceptional circumstance, may permit an additional certificate or certified copy of registration to be issued. As I said before, right now you can apply for as many as you want. We've recognized in the bill that there may be exceptional circumstances, and that will be left to the registrar general. The bill provides the registrar general with the flexibility, as I said, to issue it in exceptional circumstances only.

Effective immediately, the registrar general will be tracking the number of applications received for an individual birth certificate. Again, it's something that should have been done in the past, I think. If someone having a look at the system had any concerns whatsoever, that would be something top of mind and common sense.

The legislation adds a provision obliging people to report lost, stolen, destroyed or found certificates to the registrar general. If a person finds a certificate or a certified copy of a birth registration, he or she must



notify and forward it to the registrar general or deliver the document to the police or to a lost-and-found service.

The registrar general is really also in need of a mechanism, I believe, to encourage people to report loss or theft to ensure that these certificates or certified copies can be deactivated, preventing unauthorized use. Again, I have to confess, several times I believe my wallet is in one suit and it's not, and look for it in the car in the glove compartment and it's not there, and sometimes I'm a little bit lax about it; I think it'll turn up or maybe I left it in the office or maybe I left it somewhere else. My wife's the opposite. If I let her know that I haven't found my wallet in a day or two, she's quick to want to cancel whatever credit cards I may have, to cancel those types of things. But I don't even think my wife would think about cancelling a birth certificate, which is in the wallet. So maybe now Ontarians will keep the importance of those cards a little bit more top of mind: the OHIP card, your licence and your birth certificate. This bill is going to help with that.

This legislation adds provisions to allow the registrar general to cancel and deactivate certificates and certified copies of registrations if they have been reported lost, stolen, destroyed or found. Obviously, this is going to be very important because if you lose a credit card or something else, you call in and cancel the credit card and there's the ability to deactivate that card. As I said, the registrar general currently doesn't deactivate birth certificates even if they're reported as lost or stolen, and this bill gives the ability to the registrar general to do that.

There are a lot of important aspects of this bill. As I said, it's a system we inherited, but for this past several years had not really recognized some of the problems in the system. The minister undertook a bit of a security survey, I understand, a year ago in this area and was planning on some of these changes. I believe it's fair to say that the events of September 11 probably expedited a lot of these changes in this bill, and I think that's OK. As I said earlier, and some of the members opposite have said also, the security of a person's identity is really not something that Canadians in general, not just Ontarians, have really spent a lot of time worrying about over the years, but we can see now why it is obviously something to worry about. Closing loopholes in the birth certificate process is an important part of that, and that's what we're doing here tonight.

One last thing that I think is relevant before I close is that the act is amended to require a signed statement from a guarantor for applications to the registrar general. That's also important. Of course we've all dealt with guarantors on other documents. It makes perfect sense that when someone applies for a birth certificate, we ensure there is a guarantor, someone who has known the person applying for it for a good length of time, so that we can be sure obviously of that person's identity when applying for a certificate.

I applaud the initiative of the bill. I applaud all members of the Legislature for speaking in favour of the bill and I hope for its quick passage so that we can close

this loophole to improve the security of birth certificates disseminated throughout the province.

**The Acting Speaker (Mr Michael Gravelle):** Questions or comments?

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I'm pleased to make a few comments on the previous speakers. I guess when anyone is elected to office—the Ontario Legislature, municipal or federal—they would like to think they try to make things better. If there was a mistake made and it was brought by the government and the official opposition, they both have to have credit because I think any person who's elected is here to protect families and constituents to the best of their ability.

In our office we fill out applications for hundreds and hundreds of birth certificates. Having been elected for some 30 years, I always strike up a conversation. I want to know who their relatives are, where they work. I'm very confident that any that were issued in our area went to the right places. I guess governments have to protect people not only on birth certificates that could be used wrongfully, but they have to protect our water, air and food too. We can see some of the changes that were made after what happened in Walkerton. That's something that all parties have to put their heads together to make sure doesn't happen again, and to quit taking credit for issues because, as Bob Rae said one time, we come from all parts of the world but we're in the same boat now.

**Mr Bradley:** I think he sang that.

**Mr Cleary:** Yes, he did. We have to work to that goal. I know that if this is going to make things better and cause fewer problems for everyone in Ontario, I will be glad to support it.

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**Mr Christopherson:** I say to my colleague close by, John Cleary, that while we still sing that song, it's not with quite the same vigour that we once did.

Let me just say to the two speakers from the government benches, the member from Niagara Falls and the member from Parry Sound-Muskoka, that as much as I was heckling and needling, especially the member for Niagara Falls a bit when he was talking about his personal experience, I do want to say that the honesty from both of them is very refreshing. You do take a risk around here when you open yourself up in any way; there's usually some smart aleck on the other side of the House who wants to take advantage of that. But I think the fact that you both talked about what has happened—in the one case, one is misplaced, and in the other case, the member for Niagara Falls talked about the fact that he may leave it in his glove box or really not be sure where it is—will probably ring true with an awful lot of people who are watching. I think that again speaks to an issue that we've all commented on here this evening, and that is that a lot of things have changed in our lives post September 11. I want to just say to them that I think they're bringing a real element of everyday reality to this

debate that is likely one that we're not going to see any further.

I think in 50 years, if anyone should happen to look back and read this debate, they'll try to fathom a day when we could, as supposedly very responsible members of society, be so careless with something so important. Yet those of us today know that that really is the way most of us treat things like birth certificates, which were not deemed to be such a huge deal. But from here on in, they are, and hence the importance of this bill. So for all the heckling and needling I did, I do want to congratulate both for being honest enough to talk about real-life issues here.

**The Acting Speaker:** Questions or comments? The member for Bramalea-Gore-Malton-Springdale.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Mr Speaker, you've done very well, because it is a tough name of a riding.

**Mr Bradley:** We've got to shorten that name.

**Mr Gill:** Yes, BGMS, that's another way; thank you.

It is a pleasure for me to join in this debate with the esteemed members from Parry Sound-Muskoka, Niagara Falls, Stormont-Dundas-Charlottenburgh and of course Hamilton West. I also have an experience whereby, when I used to go to Rochester once in a while to attend some meetings, I remember at one time, at the last moment, as I'm leaving to drive to Rochester, I leave my jacket, saying, "That's not the right jacket. I'm going to change my jacket," and left all the credentials in the jacket because I'd changed it.

Of course, it used to be very simple: "How long are you going for? When are you going to come back?" Even going and coming back was not a problem. But since then, considering many events, including especially the September 11 event, naturally the border security has been tightened and very importantly so.

Once you started looking at different security issues, you found that perhaps there were some loopholes; and perhaps it is time, from time to time, to keep reviewing your procedures. In light of that, that is why we are trying to tighten some of these important documents, including the birth certificate, just like a passport.

As you know, when we apply for a Canadian passport, there has to be a guarantor to vouch for the person. Similarly, a guarantor will be needed. If anybody is doing any fraudulent practices, there are very hefty fines: \$50,000 individually or \$250,000 for a corporation. So I think it's time to perhaps tighten some of the loose ends and make it much safer for everybody to get the proper documents.

**Mr Bradley:** By the way, the member for Niagara Falls has initiated a program of an exchange between American legislators and Canadian legislators which has been quite valuable. He's had representatives from the state Senate and representatives from the state Legislature and other officials from the US who have met with officials from Canada. Being from a border constituency, as is the Minister of Tourism, both of them recognize, as we do in the Niagara Peninsula, and people in Windsor

and other places do, the importance of people being able to move across the border. People are not going to be able to move across the border unless we on our side and the Americans on their side are satisfied with the kind of identification that we can present.

Because this bill tightens the security around birth certificates, and indeed then, in a multiplier effect, tightens security around such things as social insurance cards and health cards and other forms of identification, such as passports, our American friends are going to feel more security in accepting our document. We're going to feel more security in accepting their documentation as they tighten up on their side, because those of us who represent areas that are near the border recognize the great importance of being able to move those goods and services across the border. Those of us in the Niagara Peninsula, if I can be parochial, have always welcomed the opportunity to have our American friends visit and to have us visit the US for various reasons.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** And no lineup for the traffic.

**Mr Bradley:** And no lineup for the traffic. That's what we all require.

**The Acting Speaker:** Two-minute response?

**Mr Miller:** It's my pleasure to respond to the member for Stormont-Dundas-Charlottenburgh. I'm happy to hear that the member is supporting this bill. He pointed out that this is making things better. I think we're all in agreement that that's the case.

The member for Hamilton West seems to be in a very good mood this evening. It's nice to see that; very complimentary this evening. He also pointed out that a lot of things have changed post September 11 and I think certainly we would all agree with that point that he was making.

The member for Bramalea-Gore-Malton-Springdale talked about his cross-border trips and how this might affect getting over the border. The member for St Catharines also talked about how important it is to be able to cross the US border.

Certainly we're all in favour of this bill that's going to tighten security in this province and make this province a safer place to be. That will be occurring through the substantial fines that are going to be implemented with this bill. It makes it clear that birth certificates and other vital documents must be treated very carefully now in this new world that we're living in, but it also provides for flexibility for technological change as we balance public safety with privacy.

I look forward to this bill passing quickly and I thank all members for their support on this bill this evening.

**The Acting Speaker:** Further debate?

**Mrs Dombrowsky:** I am happy this evening to enter into this debate. I believe I am sharing my time with the member for Thunder Bay-Atikokan, but I'm not exactly sure on that.

First of all, if I might begin, I have a couple of points that I would like to make. The first one: I think it's very important for the people of Ontario and for the public



record to reflect why we are dealing with Bill 109 tonight. It is because the leader of the Liberal Party, Dalton McGuinty, asked a very important question in the Legislative Assembly of Ontario to the Minister of Consumer and Business Services.

After the events of September 11, of course, political leaders around the world searched their souls and reflected and reviewed their communities to try to understand how they might bring forward change that would prevent the terrible atrocities that happened in the United States on September 11. Dalton McGuinty, when he reviewed some of the practices in our own province, immediately recognized that there needed to be some changes made to the way Ontarians were able to access or acquire a very important document, and that was a birth certificate.

So my leader asked of the minister on September 26, "I want to bring something to your attention which I believe you will want to act on immediately....when it comes to applying for a birth certificate today in Ontario, we only need to provide the name, place of birth, mother's name at birth"—her maiden name—"father's name, and nothing further. There's no identification of any kind required. This is submitted by mail with \$15."

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Dalton went onto say, "I'll tell you why it's so important: because once you get a birth certificate, that's an important step along the way to a passport. As well, to get into the US, in many, many cases all you need is a birth certificate."

He further went on to say, "I think there's a loophole there, Minister," and when the minister responded, he indicated, "I do not believe that to be the case." However, Dalton McGuinty pressed the minister, "If you apply to the source in Thunder Bay, you can apply by fax or by mail and all you need to provide is this form and \$15." Again, the minister said, "I think there may be either an unintentional or intentional effort here to confuse the issues."

In fact, Dalton McGuinty was not confused. He was very clear on the process and the issue, and I would suggest it was perhaps the minister who was confused.

The next day, he returned to the Legislative Assembly and made the following points. This is what the minister said the next day: "Yesterday, the member for Ottawa South"—Dalton McGuinty—"asked what I consider a very good question about birth certificates in this province, and I promised to bring in more details today." So the minister at that time, the next day, after being pressed by the leader of the Liberal Party, recognized and indicated to the Legislative Assembly and the people of Ontario that indeed there was a loophole and there was a requirement that his ministry act expeditiously to ensure that that loophole was closed.

He further said in his statement that he intended to introduce a bill in the Legislature in the very near future that will discuss all of these matters. So that is how it is that on this day, October 16, we are debating Bill 109, which is the vital statistics amendment bill. It was be-

cause of the issue that came to the floor of this Legislature by the leader of the Liberal Party. In fact, the minister, Norm Sterling, in his concluding remarks on that day indicated, "I want to say to the member opposite that I want to thank him, and I would like to invite other members of this Legislature to make suggestions to either me or to other ministers in order to improve our security systems."

I am very grateful that the members of the government recognize the importance of the role of the opposition. From time to time, I am asked, or it is suggested, that perhaps being a member of the opposition—people question, "What do you really do? You're not a member of the government." I think this is an excellent example of efficient opposition that is able to expose weaknesses in legislation, procedure, policy and process.

In this particular case, Dalton McGuinty was able to do it on an issue of great importance and concern for the people of Ontario. It certainly was incumbent upon the members of the government to listen to the point he was making and act as expeditiously as possible to ensure that measures were introduced so that these very important documents, such as birth certificates, could not be accessed so easily.

I have to say that when I was first elected to the Legislature and established a constituency office, I was really very surprised at the volume of requests that came to an MPP's office for birth certificates. I know in my own constituency, my assistant Diane Remington is particularly responsible, although other people who work with me assist in acquiring those documents, but Diane Remington does an exceptional job in my constituency office, providing that service to the people in my riding. I know from the beginning she has been very thorough and has worked very hard to ensure that the document was secure.

I think it's important and that we should take this opportunity to focus on another issue for the people of Ontario, and that is the issue of identity theft. So often when we think about theft and things that can be stolen, we think about those things that are tangible. We even think about computer theft and technology theft, but identity theft has now been exposed. It has been exposed in a way that has made us all sit back and think and understand the importance and the value of our own identity.

It's rather ironic for me, because I grew up in a tradition where I was taught that our name is something that is so very precious and in our lives we conduct ourselves in a way that will bring honour to our family name. I would suggest that what we've now come to realize is that many others who may not have a good, solid name have recognized it could be theirs for the stealing. That is what happens when pieces of identification are stolen, when people are robbed and their birth certificates are taken.

I know for some time now in my office we have been advising people when they acquire birth certificates that it is a very precious document and we have recommended that it's not something they should probably

carry with them on their person. Or, if the purpose for which they have obtained the birth certificate is that they are travelling to the United States—and that would be the only other country outside of Canada I believe where only a birth certificate would be required—in those instances, when people have obtained birth certificates for that reason, we have indicated to them that they need to be very careful about that document, that it might be something they would not put in their wallet, as wallets are regularly lost and/or stolen, and that to have a birth certificate replaced can be a very trying and difficult process.

We also know that birth certificates are required for individuals to obtain a passport. That document is received simply by filling out a form, submitting some photo ID that has been guaranteed, and submitting an original birth certificate document. So it is another reason why we have become aware of the significance of the birth certificate document.

It's interesting how the events of September 11 have affected us in so very many ways that we probably would not have imagined a few short weeks ago. It has required us to be more vigilant, to think in a very different way, to recognize the importance of our identity and that once it is stolen, while you have your name and no one will ever take that away from you, the paper proof of that is something very different. It can become a very complex and complicated affair if you have the great misfortune of losing or having your identity stolen. I have been made aware. Some constituents in my riding have had that great misfortune.

Just to conclude, I want to take this opportunity again to thank Dalton McGuinty for bringing the issue to the floor of the Legislature. It's truly significant. I'm very happy to say that as a member of the Liberal caucus, I will be supporting this legislation.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I am pleased to participate in this debate and speak to Bill 109, the Vital Statistics Statute Law Amendment Act. I'm sure, as my colleagues have said, there is some inclination on our part to refer to this as the Dalton McGuinty act, since it's a direct result of our leader having raised a concern about a loophole in the ability to get birth certificates and the fact that people can get birth certificates with very little identification. I'm not going to call it the Dalton McGuinty act, because I want to raise a couple of concerns about the bill that's in front of us tonight.

2030

I think some of what the government has done here is very appropriate. It is appropriate that we ensure, particularly our neighbours to the south, that we are taking steps to deal with identity fraud, with the fact that people can potentially have more than one birth certificate because they can obtain them relatively easily. I think it's important that we assure our neighbours to the south that we are taking the steps to guarantee that when people cross the border and are asked to produce their birth certificate as their identification—

**Mr Dominic Agostino (Hamilton East):** On a point of order, Mr Speaker: Can we check to see if we have a quorum present?

**The Deputy Speaker:** Is there a quorum present?

**Clerk at the Table:** Quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** Quorum is now present, Speaker.

**The Deputy Speaker:** Member for Thunder Bay-Atikokan.

**Mrs McLeod:** I do think that this is an important piece of legislation to bring forward. There are important steps being taken to guarantee that we are taking action to ensure that when somebody crosses the border, they are in fact truly legal, legitimate residents of our country and therefore should be able to cross into the United States without there be undue questions or concerns.

So, for example, providing guarantors when somebody applies for their birth certificate, just as you have to have a guarantor if you're looking for a Canadian passport, seems to me to make a lot of sense. However, I noticed that the government, in its almost once again, should I say knee-jerk reaction to needing to do something about a problem the opposition has identified, appears to have made some changes to the application form before they brought forward this legislation.

I noticed that one of the changes is that you have to give the weight of the child at birth. I guess if you're applying for a birth certificate, you're supposed to put down what your weight was when you were born. I have to tell you that I have four children and I would not be able to tell you what the weight of each of those children was. So even though I am present and accessible for my daughters to get information, I don't think I could help them apply for a birth certificate under the new rules. I think we have to be sure that what we're putting in place is well founded and legitimate but doesn't present impossible barriers to getting a copy of your birth certificate.

The other concern I want to touch on is one I raise regularly in this place and which I want to raise again around Bill 109. I want to raise it and I hope there'll be an opportunity to discuss it. I don't know whether it is a significant concern, but it's certainly one that needs to be addressed, and that's the issue of the access to confidential information which is provided to the registrar general in this bill.

As you know, we have had some considerable discussion about privacy bills in committee. I've been particularly involved in the discussions about health privacy bills. There was a lot of concern at that time related to a bill that the Attorney General had brought forward that gave the Attorney General access to confidential health information. That was a significant point of debate. We know that the Attorney General has changed that bill in order to take out the provisions that would have given the Attorney General almost blanket access to confidential health records in the name of pursuing victims of crime.

Because that was such a significant issue, it does give me pause for concern when I see the registrar general has



been given the authority to collect information that's necessary to verify information on a birth certificate application and that that authority appears to give him access to information that is now considered absolutely confidential. I recognize that there may need to be some provisions, I recognize the privacy commissioner of Ontario has been consulted about this and that there are some safeguards built into the bill, but in the absence of any privacy legislation in Ontario, particularly health privacy legislation, I think we need to ask some questions about how secure the safeguards are and whether or not the registrar general, as the recipient of what may be highly confidential, fairly broadly based confidential information, is going to be considered a secure custodian of that information and legally not able to pass that information on in any way.

The health privacy bill would have provided some reasonable safeguards. We had a lot of concerns with the health privacy bill, but I think in the absence of that bill coming forward, and it seems the government is not prepared to bring it forward, if the health minister, who is in the House this evening, would provide me with some assurance that we will see health privacy legislation before the session is out, I might be less concerned. But in the absence of that health privacy bill, I think we need to raise some questions about the safeguards that are built into Bill 109. I know the Ontario public had considerable concern about giving any ministry blanket access to confidential health information.

In the very few minutes I have left, I want to go on to recognize that we appreciate the fact that this bill has come forward in direct response to a concern raised by our leader, a concern that at the time the minister responsible felt was a somewhat misguided concern. They didn't think it needed to be addressed, but we're glad to see he recognized that it is a concern and he brought forward the legislation quite quickly.

Despite that, there are still a great many issues that we don't believe this government has addressed which need to be addressed. We are very concerned, and I'm sure my colleagues have spoken to this, that in the wake of the September 11 tragedy, when all of us are trying to focus on renewed—maybe new—concerns of the Ontario public about personal security, terrorism and bioterrorism, what we've primarily had from the Minister of Finance, Mr Flaherty, is an escalation of the battle between Ottawa and Ontario. That just doesn't seem appropriate at a time when I think the Ontario public and people across this country are saying that what we really need is to have provincial and federal governments working together to deal with these issues that are of great concern to Ontarians and Canadians relating to their personal security.

I think it's ironical that the Minister of Finance has called on the federal government to produce a new budget to increase funding for health care. We've been trying since September 11, when our economy took such a tremendous blow, when industries that create huge numbers of jobs in this province are reeling, to call on the

Minister of Finance to present an economic statement so all of us can have a sense of what the new economic realities are. We all know that measures have to be taken to address the job loss, which we were already starting to experience in this province and which has now been significantly accelerated by this disaster. But we haven't been able to get our own Minister of Finance to produce an economic statement so we can all be addressing this very critical issue.

We were concerned today to learn that Ontario is the only province that has not signed off on an agreement with the federal government dealing with counterterrorism measures. You wonder how, as much as we appreciate Bill 109 coming forward in response to a concern raised by the opposition, this government could not be more aggressive in wanting to reach an agreement on issues that all other provinces and the federal government are addressing with their counterterrorism measures.

In the few seconds I have left, I am also going to want, as health critic, to raise a concern I feel is a significant security concern: the concern about our inability to deal with any emergency situations we might face in Ontario. We know, for example, that there was a woman in Kincardine who was severely burned and there was no place for her in Ontario hospitals. She had to be flown to the United States. We can't afford to have that kind of lack of preparation in emergency situations.

**The Deputy Speaker:** Questions and comments?

**Mr Christopherson:** It's my pleasure to comment on the excellent remarks of my colleagues from Hastings-Frontenac-Lennox and Addington, and Thunder Bay-Atikokan. The member from Thunder Bay-Atikokan, consistent with the kind of debate, or discussion, really, that we've been having this evening, talked about personal experience and looked at the bill from a person's day-to-day existence point of view, and I was struck when she, I won't say fessed up, but acknowledged, that having had I believe she said four children, if somebody asked her to name the weights of each of them, she would never be able to get them all accurate.

It made me think immediately of my mother, who for 47 years now has had a great deal of difficulty remembering exactly what day I was born. Because she went in on one day and I was supposed to be born that day and wasn't—and members would appreciate that I was late—and it wasn't until four in the morning the next day, she's always been confused from that day forward whether it was the day she actually went in, or did it actually slip over into another day? I have such fun with her on that to the point where she actually has to call other family members in order to get the accurate date.

**2040**

I raise my experience to tie in with what the member from Thunder Bay-Atikokan had said, which ties into where the members from Niagara Falls and Parry Sound-Muskoka were in terms of talking about this from a day-to-day existence point of view, as I've already mentioned. That is so important, because this is not about

who gets credit. I'm going to comment on that when I get my opportunity to speak to this in a very few moments. But that's not what this is about. The issue is far too important. It's about the security of our citizens and ensuring that as a government we have procedures that meet that security. I think the two debates we heard here today contribute to that in a very significant way.

**Mr Gill:** It is a pleasure once again to rise and share some time in this debate. The member from Hamilton West said, properly, that it's not who gets the credit, because from time to time when you revisit some of these things you might have set up—I remember, as I'm sure all of us do, that the driver's licence used to be a piece of paper. Now we have the proper picture on it and we have the credit card style. There's much more security in that. Similarly with the OHIP card, or OHIP paper, if you want to call it that, it used to be a greyish piece of paper. There you are. In today's day and age, with laser printers, with all kinds of technology, those things would be so much easier, with the mind of a criminal, to duplicate. So I'm very happy that we are revisiting these things.

There are things to be done. We talk from time to time about the federal government from the immigration point of view starting new ID cards. I remember looking at my mom's immigration paper. It's about a two-inch by three-inch piece of paper, because she got her immigration in 1968, 33 years ago. Yes, there are things we can do to make it much more secure in terms of the safety point of view.

While we do that, perhaps at some point in time the discussion should be—again, I don't want to get into the privacy issues and everything else—perhaps smart cards. There is so much information, there are so many PINs, so many code numbers and all kinds of things we are carrying, that we forget what they are. Why not have a smart card with all the data on it? The data is available somewhere. Perhaps I'm getting into some security issues or privacy issues, but nonetheless it's something to think about.

**Mr Gravelle:** I want to compliment the members for Hastings-Frontenac-Lennox and Addington, and Thunder Bay-Atikokan for their very helpful remarks as well. I think this is a very good example of a piece of legislation that we're all trying to work together on to make into a better piece of legislation and one that is really important, certainly as a result of what happened on September 11, in terms of increasing our security, and also doing it without too much of an encumbrance to people.

In that regard, it reminds me of something my colleague from St Catharines said to me in passing, and I know he'd like an opportunity to speak once again as well in that regard. This is an important piece of legislation. It needs to go forward. It is going to be perhaps more difficult now to get birth certificates. But one hopes that this isn't used as a means for the government to increase the fees. We watched them do that. This government has certainly done this in the past in a variety of ways. This simply makes them less accessible for people. So we have to watch that one. It's probably a point worth making.

I want to say again, and I think it bears repeating, that this is an example of how the opposition members can work to improve government in this province. It was Dalton McGuinty who originally asked the question of Mr Sterling, the Minister of Consumer and Business Services, and although the minister at the time did not react, I think, in a particularly graceful manner, afterwards he did acknowledge, I believe—

**Mr Bradley:** He backpedalled.

**Mr Gravelle:** He backpedalled. Mr McGuinty was indeed the person who is responsible for it, and thank God he did that. There are other examples of that as well. For those of us from northern Ontario, who have battled so long and so hard to get some improvements to the northern health travel grant, and the 40,000 people who signed petitions and worked extraordinarily hard getting some improvements last week, although it isn't going all the way, we considered that a triumph for the people of the north who worked so very, very hard. So you can get things done by continuing to work hard on behalf of people, and sometimes the government at least partially listens.

**Mr Joseph Spina (Brampton Centre):** I just wanted to bring some information to the attention of the member from Thunder Bay-Atikokan, and I know she has her intentions in the best place. I guess she had some concern about the weight of the child at birth, and she's right. If you're applying for somebody many years later, and you're a parent, it's difficult to remember, particularly if you don't have original documents.

But I think it's important that we remember that there are up to 20 different elements as part of this form that really contribute to the checks and balances of the applicant for the replacement birth certificate. If there is a large number of them there, together with the element of a respected guarantor, this truly should be sufficient for the discretion of the deputy registrar to be able to issue the replacement birth certificate. I think those are important elements to remember. But I think some of the comments that the members have made have been quite valid, and we appreciate that.

**The Deputy Speaker:** Response?

**Mrs Dombrowsky:** I appreciate the comments that have been made by the members from Brampton Centre, Hamilton West, Bramalea-Gore-Malton-Springdale, Thunder Bay-Superior North and of course my colleague, who shared my time, from Thunder Bay-Atikokan.

If I could draw our attention for this part of the debate to two really important issues, the one, of course, is that we have here a piece of legislation that has come to the Legislature from the leader of the Liberal Party. He brought it to the floor of this Legislature because he is profoundly concerned about the security of the people of Ontario. As a leader, he recognized an area that needed to be addressed and needed attention immediately and acted on that. So I'm especially pleased and proud to stand here this evening in support of a piece of legislation that was from this side of the Legislature.

The other issue I wanted to make some comment about, and that I did in my remarks—and I know that



during the course of the debate on this matter we've heard about it—is identity fraud, and that the people of Ontario need to be aware. I know that many are, but I believe that the events and the aftermath of September 11—when the issue of identity fraud has come to the attention of people around the world through the media, we need to be ever vigilant. We as Ontarians need to take some responsibility and protect our identity and do all that we can to co-operate and ensure that the identity of individuals is managed in a secure and reasonable fashion.

**The Deputy Speaker:** Further debate? The member for Hamilton West. This is the leadoff speech?

**Mr Christopherson:** It is. Thank you, Speaker.

The first thing I want to do is to thank my colleagues for the courtesy of standing down the leadoff from last evening to this evening. It's much appreciated.

Second, I would just say to members present that I was a little concerned as I was going through my list, we're all getting along just so well here this evening. Next thing you know we're all going to be holding hands, singing Kumbaya. I got concerned as I was adding up the issues—

**Hon Mr Sampson:** I don't think so.

**Mr Christopherson:** You don't think so? The minister of corrections doesn't think that's going to happen.

**Hon Mr Sampson:** I don't think we can go that far.

**Mr Christopherson:** OK. I think you're probably right.

I'll say to the minister of corrections that I was going through my notes and found that I'd gotten to the point where I had three concerns I was going to raise, but that was more than offset by the fact that I had three complimentary comments, and as I started to panic, I realized that it's OK, I broke the log-jam: I have one good, serious, severe criticism that tilts the balance and makes me feel OK about delivering this speech this evening.

The first thing, though, before I get into those points that I'd like to raise, is this whole issue about, should this be called the Dalton McGuinty bill and was the government working on this before or not? It really is a shame that we're getting into that sort of thing, first of all, because the NDP is not a part of that discussion at all. That's the first shame of it.

Second though, and more important, it does detract from whether or not this is the right thing for the public.

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But on the issue, let me say this, as one who is not involved in either of the caucuses that want to take all the credit and also as someone who was in the House when the initial question was asked and when the response was given, I believe the following day. It really did appear, when the question was asked by the leader of the official opposition, that the minister was a little bit shook. In hindsight now, I think it was more a matter—what it looked like to me, and I could be way off base—of it being something that the minister knew was on a schedule. There was either a briefing that was scheduled to come the next day or it was actually scheduled the day

before and got cancelled for one reason, and there was then a realization that there were a number of details about the question being asked that the minister would otherwise be able to answer but at that moment, for whatever reason, couldn't.

I say that in looking at the bill and listening to the minister say he doesn't want to take—I'm paraphrasing—that much credit for actually generating a bill in the time between when the leader of the official opposition raised it and when the bill was actually introduced in the House. I suspect that, like most things, the truth lies somewhere in the middle to the extent that on the detailed question the leader of the official opposition asked, the minister didn't have the details at his fingertips. But when you look at the bill and the subsequent response that he gave—and the certainty of a number of issues and the explanation that it goes back to studies that had started last year—I suspect that indeed that's the case. It just wasn't something the minister had dealt with right off the bat.

However, all of that aside, what matters is that this Legislature has identified an issue that the government was working on, and September 11 and the ensuing question did accelerate its presence being here. That's a good thing, given the security issues that we are all very much preoccupied with. That's why we are having the kind of debate that we are this evening. I know some of my colleagues on the government benches like the kinder, gentler Christopherson, but don't get too used to it. It is only the bill that's before us; my nature still hasn't changed.

Now, let me begin with a couple of things that we support and that I want to compliment the government on moving directly toward clearing up.

I mentioned this in the two-minute responses, but I would like to put it on the record during my official leadoff. The fact that we, as Ontarians, will now only be allowed one birth certificate at a time makes an awful lot of common sense. Given the critical role that birth certificates play in the acquisition of passports, drivers' licences and a number of other important pieces of personal documentation, it makes a whole lot of sense that, like drivers' licences and passports, you're only allowed to have the one. I think that's a good move that will make a difference. I suspect that in the number of cases of fraud where a fraudulent birth certificate is at the source, in many cases that would be found to be because individuals were allowed to have more than one birth certificate, and from there you can do an awful lot of things.

Also the penalties: perhaps one of my colleagues earlier may have misunderstood my comments when I directed my remarks to the minister of corrections on penalties. This is a good thing. That fact that you've gone to penalties of \$50,000 for individuals and \$100,000 for corporations makes a great deal of sense. If this is serious enough to take the time, energy and expense of this place, then it is important enough to ensure that there are penalties in place to have the law that's passed here upheld.

Enough of being nice; time to go to some concerns. I want to move to the application. If there are answers to a number of these concerns, and indeed there might be, I very much welcome government members responding and providing information or clarifying if there's something we have missed here. But these are legitimate concerns that we've got and that we want to raise and put on the record.

The first one relates to the bottom of the new form. Each of us in our packages has a copy of the new application form. Of course, it's over the Ministry of Consumer and Business Services logo, and it's just headed up "Request for Birth Certificate." Right at the bottom it says, "Statement: To the best of my knowledge and belief, the statements made in this application are true. I am a Canadian citizen and," and then there are two boxes, two choices to be ticked off. One is, "I belong to one of the listed professions"—and by the way, it's been noted that MPPs were not listed in the documentation that was provided. It's my understanding that this was merely an oversight and that indeed, like our federal counterparts and mayors, lawyers, doctors, we would be in a position to do this for our constituents. That's a good thing. But it says, "I belong to one of the listed professions. I have known the applicant personally for at least TWO years," the "TWO" being in capital letters, "and I have knowledge of the child (if applicable); or"—and then there's the second box—"I am not one of the persons listed as a guarantor. I have known the applicant personally for at least five years."

I take it from the way that's laid out that what it's meant to do is to say that you can go to this list of professionals and any one of them would be acceptable in terms of their making a statement and a declaration and putting their signature and reputation on the line that they know the individual who is putting the information on here and have known them for at least two years. The second one is there because if you have someone who doesn't, per chance, know anyone on the list, you can go to someone else who will claim five years' knowledge and again put their personal name and reputation to that document to state that as far as they're concerned, the information is accurate.

I see one of the ever-diligent staff people in the back nodding their head and I'm getting the OK. I'm assuming I've got that right.

Fine as far as it goes—

**Hon Mr Sampson:** He's doing attendance.

**Mr Christopherson:** He's doing attendance. Why? Don't you people like to do your job? Do they have to hold a whip over you?

**Hon Mr Sampson:** No, your attendance.

**Mr Christopherson:** Oh, my attendance. Don't you worry about us.

Here is our concern—and as I say, so far, so good. Our concern is that given the number of new Canadians, legitimate, welcomed new Canadians, it is entirely plausible and not that great a stretch that someone could be here for, let's say—actually, it could be any amount of

time. They come over and a child is born here and they've only been here a few months. We've already acknowledged, by virtue of the two boxes on the application form, that someone may not have known anyone on the list of professionals for two years. If it's possible for that to happen in an ordinary case, then where you've got a wrinkle to it, being that someone is new to the country, it's quite plausible that they also may not have known anyone who is on the list of professionals for two years. If they've only been here a few months and then the child was born, it's further plausible that they wouldn't know anyone else for five years. Again, I don't think that's going to happen every day, and we're not saying this is some horrible plot on the part of the government to do some sort of evil, but we are raising it as at least again a plausible circumstance that could likely happen and that would leave someone in a bit of a bind.

Given that what we're doing is racheting down the process—let's face it: the more you tighten up a process, the more everything has to go tickety-boo for you to get to the end. When you're dealing with large bureaucracies and large processes, you start to get into exceptions to that and you could get into all kinds of entanglements.

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Again, for somebody new to Canada—it is also quite possible English may not even be their first language—suddenly, what is a fairly routine, straightforward matter for most could become a major bureaucratic nightmare and a source of real concern, almost fear on the part of someone new to Canada simply because perhaps we didn't take enough time to make sure that was looked at.

I raise that as an issue that my researcher Chris Watson, having gone through this on my behalf and on behalf of our caucus, identified as a concern. I think it is a legitimate one. If there's something that we are missing, then please let me know what it is. If not, then maybe it is an area that, when we get into clause-by-clause, through amendments we can identify some means of trying to head off an identifiable problem.

Another concern that we had was if, for whatever reason, your certificate is cancelled. Again, I'm raising a concern, not in the instances where there are no problems, because if there are no problems then there are no problems and we don't need to spend a lot of time on it. However, let's assume, for the sake of argument, that you've gotten yourself caught in a bit of a process glitch and that a birth certificate, either your own or that of a family member, has been cancelled and it shouldn't have been. No matter how much you get on the phone and talk to individuals about trying to get it straightened out, you keep running into this roadblock that the last official word that was given about the birth certificate in question was that it was cancelled.

When we looked at the bill as tabled by Minister Sterling, we don't find an appeal process. This doesn't need to be an elaborate, lengthy, expensive, difficult process. But we are raising the concern and suggesting that there needs to be at least some kind of a first crack at an appeal, a first quick process to identify, in an arm's-



length fashion from the original decision-maker, where you've got an obvious glitch. I don't think we want to get into a whole process that goes on and on forever and a day. This shouldn't be that complicated.

All the members who have spoken so far have acknowledged that we continue to have a balancing act as lawmakers even if the central point in that balance has shifted somewhat. By that, I mean the balance between our rights as citizens to have as much freedom from government interference as possible, with the necessary protection that government has an obligation to provide to the public at large and that, of course, the centre of that balance has shifted somewhat. We still need to be cognizant of it, that we don't just go rushing in.

Those are some of the concerns that are being raised about the federal legislation. It is good that there's a public debate going on about whether or not that balance is being struck in a fashion that is consistent with Canadian values. It is in that context that we, the NDP caucus, raise the concern that there be some kind of an appeal process where there is a dispute on the part of a citizen over a cancelled birth certificate. We would ask the government, either now or during the committee process, if they would either advise us where that's already there and somehow it just hasn't been explained to us or pointed out. It is certainly not in the legislation. It may appear in the regulations. Again, maybe we need to make some actual amendments to Bill 109 itself before it becomes the law of the land.

The next concern I'd like to raise takes me to section 12 of Bill 109. By the way, if I can, just as an aside, it's interesting that the name of this bill, An Act to enhance the security of vital statistics documents and to provide for certain administrative changes to the vital statistics registration system, is one of the few times I've actually seen a bill this government has labelled do what it says it's going to do, as opposed to your usual track record where the bill says one thing in the title and then the actual wording of the bill itself goes way over in another direction. I'm referring, of course, to things like the environmental protection law, labour improvement legislation and things of this nature, where you've done exactly the opposite of what the bill says. Maybe this is the beginning of a turning of a corner. Who knows? One can only hope.

**Mrs Dombrowsky:** The Victims' Bill of Rights.

**Mr Christopherson:** The Victims' Bill of Rights; there's one of the best examples one could think of. Don't get me going on that one, because I'm trying to avoid a rant this evening, if I can.

I said that I was going to move to section 12 of Bill 109. Section 12 of Bill 109 amends section 53 of the act. Section 12 of Bill 109, that is to say the proposed changes to section 53 of the current law, under 53.1(3), would say the following:

"Duty to disclose information

"For the purpose of verifying information or determining if any document issued or that may be issued under this act is being, or may be, improperly used, the

registrar general shall disclose such information as he or she considers appropriate to such persons or institutions as he or she considers appropriate."

I suspect members of the House will understand and appreciate where we're going with this concern. We're not concerned with the idea that information is being shared at all. For instance, the section above, subsection (2), reads:

"Duty to assist

"On the request of the registrar general, an institution in Ontario shall provide information from its records to the registrar general that may assist him or her to verify information or to determine if any document issued or that may be issued under this act is being, or may be, improperly used."

That's information in Ontario going to the minister, so it's not the whole idea that information, in and of itself, may go from point A to point B.

The concern we're raising in subsection (3) is the lack of defining with more specificity who is going to receive the information. This is so wide open. Given this government's propensity for feeling rather loose, in our opinion, about personal information being provided to private interests—and there are a number of examples that have been raised in this House in recent days and months to support that allegation—it's with that in mind that we have some concern about the fact that it is not specified who is being talked about, or what institution or, for that matter, that it stays within the confines of our province.

Again, if it were between Ontario and the federal government for purposes of security, if the feds needed to have a verification that said a birth certificate is legitimate in terms of being the proper birth certificate of the person who is presenting themselves as that individual, that's one thing. But if there's going to be a holus-bolus release of information to private corporations—and bear in mind, corporations are playing a role here; you saw fit to provide a fine to corporations of \$100,000, so obviously it was anticipated that corporations would play some kind of a role in this bill—under this kind of language, for all we know, it could very easily be sold to private interests. And further to that, as far as we know, it could be non-Canadian.

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I want to emphasize, in the interests of the climate that we're in and the way things have changed, if there's a legitimate security issue and you've got a connection between the legitimate intelligence community, for instance, in the United States, working with the federal government in Ottawa, and an Ontario birth certificate is part of the investigation in terms of its validity, that is a whole different matter than whether or not private interests that have nothing to do with government interests or security are somehow getting access—either by paying for it or not—to private, personal information belonging to Ontarians.

I'm not raising this as some big conspiracy and that I'm here blowing the lid off it this evening. It's more a

matter of saying we've gone through this and identified this as an area where we have some concern and we think it needs to be looked at a little more closely.

That may be as simple as a guarantee and then eventually seeing in writing that this is covered off in the regulations. We'd prefer to do it in the law itself, but that does go against the grain of how this government likes to do business. As you know, right from the days of the omnibus Bill 26, the bully bill that brought this place to a close, all the way through a whole host of bills, this government has taken business that rightfully belongs on the floor of the Legislature, where the public can watch, either by being here personally in the galleries or at home through the parliamentary TV network, and moved it into the cabinet room, where of course there is no public and there are no cameras. Cabinet meetings are, by definition, secret meetings.

In the absence of a satisfactory explanation or clarification that puts our mind and concern at ease here, our preference would be to see an actual amendment to this bill so that the assurance that not just the opposition members but the public need is there and it's transparent. The government talks a lot about and uses the word "transparency," but in practice they don't use it nearly as much as they would like to have people believe.

If that can be answered satisfactorily this evening, all the better, but if not, then we would hope that if not the minister then certainly the parliamentary assistant—the parliamentary assistant is not here. OK. I just wasn't sure who the parliamentary assistant was. But hopefully that will get addressed.

There are a couple more points in the time I have remaining. I think it's a good move that in this bill citizens have a requirement by law to report lost birth certificates. We had to sort of think about this one because, again, any time the state is stepping in, you want to be careful. You only want to do that when you have to. It seems to us in the NDP caucus that it makes sense that if we're going to make the whole issue of individuals only having one birth certificate rather than a multitude and if we're going to put serious penalties in place—\$50,000 for individuals and \$100,000 for corporations—as part of that, we would also say that if one of these important documents, much like a passport, is lost, then you have a civic and now a lawful responsibility to report that loss.

I know the member from Parry Sound-Muskoka, having acknowledged that he seems to have temporarily misplaced his birth certificate, if this bill were law today, would immediately make that report. But as it is now, under the current law, that's not necessary. There is no violation of the law to have lost it and just apply for another one. Then, if three weeks from now, you're going through a suit jacket, as his colleague talked about, and you find your birth certificate, well, guess what? "I've got two. That's great. I'll keep maybe one in my wallet and one in the glove box. And you know what? It might not be a bad idea to get a couple more and stash and squirrel those away in various different places."

So it makes sense that we go to a system that says one per individual. If for any reason you've gotten one in a fraudulent fashion, there's a serious penalty for that. Further, if you lose or misplace your birth certificate, you have a lawful obligation to report that loss.

Let me just say, parenthetically, that it is heart-breaking, I think, for all of us here that we feel obliged to take these actions on behalf of the citizens we represent, but what are we going to do? If we don't take these actions, then we leave ourselves vulnerable. I think we've already shown that we're too vulnerable as it is. While all of us resist change, particularly dramatic, fast change, in this case delay is our enemy.

Let me just say to the government that, notwithstanding the concerns we've raised here and the hope that the concerns we've raised will be addressed in committee, we intend to see this legislation go through this House as quickly as is practical. Unless these issues are not addressed, then it is our further hope that we can support this bill, because at the end of the day the issue of security and protection is the responsibility of all of us; not just the government, not just cabinet ministers, but all members of the House, including opposition members.

Let me just raise one last issue in closing. It was originally raised by my friend from St Catharines, who talked about the regret he felt over the fact that this government has made such a priority of tax cuts, particularly when we now see a need that maybe wasn't identified—certainly it wasn't identified to the degree it was pre-9/11—that being matters of security. No matter what, the money to do the job—and I'm assuming this. I'm assuming that the government will take the position, as I think they should, that whatever money it takes to make the public safe, they'll spend.

My friend from St Catharines was pointing out that that job would be made a lot easier had the government not redirected and given back to people who, quite frankly, in many cases don't need it, billions of dollars that would have been better spent on hospitals, CCACs, our education system and, yes, on government procedures.

Which raises the point, isn't it interesting that here we are tonight debating a bill that does something this government says they were opposed to from the day they were elected, and that is, more government? As soon as you take a government application form and make it more complicated, you've got more government. You've probably got more people who are going to have to be involved in the process, verifying things. You're definitely going to have to have people spend more time doing the job they would have done before—assuming you want it done adequately, and I have no reason to think on this issue that you don't. And yet this is a government that likes to say over the years, time and time again, "We want smaller government. Government is evil. We've got to get government off the backs of people."

I see one of my friends across the way nodding his head up and down very fervently. He's one of those who had two glasses of the Kool-Aid when it was being



handed around. He is a believer, and yet here he is today—he was on his feet earlier—one of the biggest fans I've heard this evening of Bill 109, and it means bigger government.

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What it says to me is that it's really not an issue of whether bigger government is good or bad; it really depends on what are your priorities, and where you have a priority, if it's necessary to have a bit bigger government, so be it.

What is unfortunate for the vast majority of Ontarians is that the things that you didn't consider a priority—and therefore you were quite pleased to have that part of government shrink—happened to be some of the most important quality-of-life issues that affect our citizens: health care, education, environmental protection—do we all hear “Walkerton” when that is spoken?—labour rights, worker rights, health and safety rights, paying more than lip service to the issue of homelessness. How about rights for the disabled that you've espoused and promised since 1995, that you still haven't delivered on?

How come you don't move on the Ontarians with Disabilities Act as quickly as you moved on this? Why? Because this is a priority to you. Fair enough. But don't tell us consistently and with a blanket policy that all smaller government is good, because here you are today enlarging government, and you're saying it's a good thing, and you're getting the support of all the members of the House, at least as far as I can determine from our debate tonight.

It's a shame. It truly is a shame that in the last six years, during the biggest economic boom in the history of Ontario—never has our economy been as strong—you moved away from the areas that made this such a great place to live.

How many opposition members does it take to stand in our place and say to you that our CCACs, the organizations that provide community health care to sick and ill Ontarians, need more money? That's not a priority. But, boy, when there's a crisis that you acknowledge is a crisis—the rest of us are telling you, and have been for six years, that the issues of hospitals, public education, protection of our water supply, protection of our air and land and workers' rights are all in crisis, and we only wish that you had responded to those crises the same way you're dealing with this crisis.

It reminds me of—in the five minutes that I have left—the 1930s. Back in the 1930s, for those who were unemployed, it was a guaranteed ticket to poverty. There were no social services. There was no public health. There was no unemployment insurance. There was no social assistance to speak of, not in terms of the system we used to have before you folks came along. The economy was flatter and deader than it had ever been in the history of North America, and what changed all of that overnight, in a blink? War. War broke out. Men—and it was men—left the factories and were shipped

overseas. Our economy, in terms of the demand on our productivity abilities, suddenly shot up to more than 100%. Prior to that, in a blink, you had factories lying dormant, you had machines collecting dust.

In a blink, those factories were expected and needed to put out top productivity, and what an interesting study: what happened when the men vacated the factories? Government said, “Well, we've got to have the productivity. We've got to get the munitions, we've got to get the tanks, we've got to get the planes built, we've got to get these things built and we've got to get them to our boys overseas to win the war against Hitler.” And if the men were all gone, guess what? They had to bring the women into the plants. But you know what? That was tough to do when the kids were at home. So you know what they did because they wanted and needed women in the factories? They provided on-site child care. Suddenly, in a blink, we went from no jobs, no hope, no future, to 100% productivity; full employment; women, who could and wanted to, working in factories, with child care being provided on site.

What was it about? It was about priorities and recognizing what was important. It was dealing with a crisis. So yes, in terms of Bill 109, in terms of our support in this Legislature as part of responding to the crisis, we're there, understanding that we have some serious concerns that I've articulated this evening.

Nonetheless, there are still other crises out there that tens and hundreds of thousands of Ontarians are facing. We raise this now; we've raised it earlier. We've even made suggestions to you. Yes, at the risk of your taking the shots that you do, we've said, “You know, there ought to be a temporary cut in the provincial sales tax in certain key areas: school supplies, restaurants and winter clothing, and for everything else a 3% holiday, for three months, just to help those key areas.” Nothing from this government. All they want to talk about is more corporate tax cuts. It's the only thing they want to talk about.

While this crisis gets dealt with, the crisis in health care does not get addressed, the crisis in our public education system does not get addressed, the crisis in our environmental protection and water doesn't get addressed. Why? Not because this government can prove that bigger government is bad in terms of dealing with those issues, but because you don't consider those crises, and that's a shame. It's a shame, because the very same people you want to help in terms of providing security with Bill 109 are hurting in all those areas that I've mentioned, and I'd love to be standing on my feet talking about a bill that supports and addresses those crises as well as the ones resulting from 9-11.

**The Deputy Speaker:** It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2129.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of Labour / ministre du Travail		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Intergovernmental Affairs / ministre des Affaires intergouvernementales		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		



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		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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John Hastings, Shelley Martel, Bart Maves,  
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## Legislative Assembly of Ontario

Second Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 17 October 2001

Mercredi 17 octobre 2001

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 17 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 17 octobre 2001

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### FRANK CLAIR STADIUM

**Mr Richard Patten (Ottawa Centre):** Yesterday I was in my riding attending an announcement for which many in the capital city of Canada have been waiting five years. On July 1 next year, the refurbished Frank Clair Stadium will once again ring to the sounds of CFL football. Pro football is back in Ottawa.

In addition to the return of football to Ottawa, the CFL announced yesterday that they will play host to the 2004 Grey Cup. Many football fans will recall that when we last hosted the Grey Cup, in 1988, it pumped close to \$20 million into the local economy. So there's an excellent economic spinoff. Many hard-working small businesses will benefit, as will hundreds of students in my riding, who will gain part-time employment during the season and in the run-up to the festivities of Grey Cup Week in 2004.

Earlier this week I had the pleasure of meeting with the ownership group in my home a few blocks away from the stadium and was very impressed with their dedication, their keen sense of business and their long-term commitment to returning a winning product to Ottawa. As the new owner, Brad Watters, said, "Ottawa has proven to me that it should never have lost the team in the first place."

I know that members from all sides of the House, including my friends from Toronto and Hamilton, look forward to having a competitive Ottawa team in the CFL again. Football is back.

#### ROBERT BALDWIN DAY

**Mr Doug Galt (Northumberland):** A few years ago I tabled a bill for the recognition of a Robert Baldwin Day to honour a great Ontarian who did much to create the legislative process that we depend on today.

Mr Baldwin's accomplishments include the creation of responsible government where power depends on the will of elected representatives. He also argued for the creation of municipal government in Canada so that local concerns could be dealt with at a local level. These are

but two achievements that have had a profound and lasting impact on Ontario.

Unfortunately, not many Ontarians are aware of what Robert Baldwin accomplished. This is why I was pleased to see that in the latest issue of the Canadian Parliamentary Review there is an article written by a former staff member of mine arguing in detail the merits of such a recognition. All politicians can agree that our staff go beyond the call of duty.

I want to recognize Andrew Redden and his efforts to make all Ontarians aware of their history through the establishment of a Robert Baldwin Day. I wish him well in his quest and hope that Ontario will one day honour this great man and the achievements that he has accomplished.

### GOVERNMENT COMMITMENTS

**Mr Ernie Parsons (Prince Edward-Hastings):** My statement is to the 50 or so leadership hopefuls on the other side of the House. I thought this might be a good opportunity to go through the Progressive Conservative Party's Blueprint and tick off what's been done and what hasn't been done so that the new leader would know where to move.

The one commitment in there, the Ontarians With Disabilities Act, you can tick "not done." It's been six and a half years—still nothing.

The strong commitment in here to agriculture: well, in fact we've seen a 45% cut rather than—so you may want to tick off that that's not done yet.

There was a commitment to have peace in our schools. That's not done yet. That's something still to work on.

There was a commitment to home care and to strengthen the access centres. That one's not done yet. That's a goal for you to work on.

A moratorium on labour laws, it said. That's not been done yet.

Full public consultation on all legislation: you may want to back up. That's not done yet.

Safer schools: you got rid of principals, you got rid of secretaries, you got rid of custodians, so that's not done yet. You need to work on that.

Going to solve the hospital problems with more doctors and more nurses: not done yet. When you get a chance, you may want to look at hiring some nurses and doctors here.



Downloading would be revenue-neutral: well, you've done the downloading part, but the revenue-neutral is not done yet. So you need to work on finishing that.

There was a commitment to affordable housing in Ontario. That's not done yet either, so maybe tick that one too.

A commitment that there would be no hungry or homeless children in Ontario: that's not done yet.

#### MIKE HARRIS'S LEADERSHIP

**Mr Bert Johnson (Perth-Middlesex):** I have a serious statement. I rise today on behalf of the constituents of Perth-Middlesex to thank Premier Harris for his visionary and bold leadership of the province of Ontario.

Governing a province as diverse as Ontario requires strong leadership and Premier Harris has provided just that. Governing is about implementing a plan and a policy agenda, but also recognizing the significance of these decisions for future generations. Premier Harris is keenly aware of this. He has persevered and stood by his convictions to ensure that hard-working Ontario taxpayers were receiving good government and a good return on their tax dollar.

Premier Harris knows the importance of having a strong and prosperous economy that allows us to pay for and make investments in health care, education, and the programs and services that Ontarians rely on. His exemplary leadership also helped our province eliminate an \$11-billion deficit and realize three consecutive balanced budgets.

I also want to express my sincere appreciation to the Premier for his interest in and commitment to the issues and challenges facing rural Ontario. Furthermore, I want to thank him for his support of Ontario's farmers and agri-food industry.

Since June 1995 Premier Harris has built a solid foundation of policies that have made and will continue to make Ontario the best place to live, work, invest and raise a family.

On behalf of my constituents, please accept our best wishes and congratulations on a job well done.

#### STUDENTS WITH SPECIAL NEEDS

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** Day after day, I hear from the parents of special-needs students whose support services have been reduced or eliminated. These desperate parents know their child needs assistance, and the government's own required independent assessment has objectively confirmed this reality. Yet this year alone, after identifying the need for over 1,000 education assistants, funding was provided to meet the needs of but 431 students—another promise spoken, promise broken.

Now more than 500 education assistants short, the Hamilton board has been forced to close 20 special

education classes and to warehouse—yes, warehouse—students for whom no help is available.

What a shameful indictment of a government which spends millions advertising how it is putting kids first.

#### 1340

Mr Speaker, let me tell this House about two young seven-year-old girls from my riding, Emily Carey and Carleigh Dunbar. Both children are medically fragile. They live complex and difficult lives. At the start of this school year, their parents were told their assistance was being dropped from full-time to half-time.

We know that there are many more Emilys and Carleighs within the school board in Hamilton and elsewhere who need special assistance. As a result of this appalling situation, I will tomorrow, God willing, be introducing a new private member's bill entitled Carleigh and Emily's Law. When passed, the new position of special education advocate will be created. This person will have the power to review all provisions of special education and its funding throughout Ontario and, importantly, to make recommendations to this Legislative Assembly—in short, to act like an ombudsman, but with one primary objective: meeting the special education needs of vulnerable children throughout Ontario.

#### EDUCATION

**Mr Rosario Marchese (Trinity-Spadina):** I want to spend a whole minute and a half trying to help the Minister of Education, because that's the kind of guy I am. I tried to do that yesterday and I'm going to do it again today, because this is an opportunity—we have a leadership campaign—for the Minister of Education to say to the Minister of Finance, "Enough is enough. We don't want the Minister of Education to be run by remote control by the Minister of Finance. It's got to stop."

She's got to begin to show some leadership.

*Interjections.*

**Mr Marchese:** Boys, please. She has to show some leadership and begin to advocate on behalf of the educational system, and do that on her own. She needs my help, and that's why I'm telling her that this is a wonderful opportunity to say that we are going to start investing in our educational system, that we can't afford these cuts, these massive \$2.3-billion cuts to the elementary and secondary educational system, because it's hurting our children. We want the war to end, because only by having teachers on your side will you then have the parents and students on your side in order to get the educational outcomes you want.

That's what she's got to do. She's got to send a clear message to the Minister of Finance and others that she's finally taking charge and she's finally going to invest in our educational system. I'm going to be there to help her as she does that.

## GREAT BLUE HERON CHARITY CASINO STAFF

**Mr John O'Toole (Durham):** I rise in the House to pay tribute to four of my constituents who are staff members of the Great Blue Heron Charity Casino in my riding of Durham. These dedicated staff members, in their quick response, helped save two lives this past summer.

The Great Blue Heron staff members who provided assistance included Angela Higgins, Keith Heaton, Robert Donahoe and Jason Hawkins. Time does not permit me to explain all the details; however, these four staff members rescued a customer who was found without vital signs while in the casino on August 3. On August 4, they also administered first aid to a customer who was found unresponsive outside the building. The casino staff used CPR and automated external defibrillators to restore vital signs, and of course called 911. A number of other casino workers and passersby also gave assistance.

The quick response of this knowledgeable staff deserves recognition. Locations such as the Great Blue Heron Charity Casino in Scugog township have a very large number of visitors each day. It is reassuring to know that lifesaving medical equipment is available on those rare occasions when patrons are in need of assistance. It is my understanding that automated external defibrillators are at all gaming locations in Ontario. Most importantly, there are trained staff members to use them.

Shift manager Andy Wilson tells me that this experience has changed the lives of those involved. An event like this brings fear and stress, but also a true sense of pride in helping our neighbours. I think it's appropriate that we recognize Great Blue Heron and its staff for their contribution as citizens in the case of an emergency.

## ACQUIRED BRAIN INJURIES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** Timothy Shaver is a 24-year-old man who sustained a traumatic brain injury in 1994. As a result, he has become explosive, aggressive and violent. Timothy spent four years in a rehabilitation program in Texas and was repatriated to Ontario in the summer of 1999. Since his return home, he has been in and out of rehabilitation programs and psychiatric hospitals in both St Catharines and Thunder Bay.

The brain injury support services of northern Ontario have been doing everything possible within their resources to provide support for Timothy, but he simply requires care well beyond what they are able to provide. Last January, Timothy set fire to his residence in an attempt at suicide. The psychiatric hospital would not admit him, so he was charged with arson. That way he could at least be kept safe in jail.

Timothy is still in jail today, but on October 22 he will have served his sentence and will be released into the community. Every effort has been made to find a place

for Timothy to go. The brain injury services in London, Hamilton and Thunder Bay have all been involved, along with St Thomas, Penetanguishene and Lakehead psychiatric hospitals. All agree that if Timothy is released into the community, he will be a danger to himself or to others, yet as of today there is no place for Timothy to go.

The problem is that the mental health system does not feel that they're responsible for Timothy because he has an acquired brain injury, not a mental illness. The problem for Timothy and for all of us is that he needs at this point to be in a secure psychiatric unit, not in a jail cell and not on his own in the community.

My colleague and I wrote to the Minister of Health on October 9, asking him to intervene to ensure that an appropriate place is found for Timothy. The minister must act immediately to ensure that the mental health system is there for Timothy when he is released from jail on Monday and that he is not going to be a danger to himself or to others in the community.

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: I'd invite all members to join with me in offering a warm welcome to the guys from St Michael's Choir School in the great riding of Toronto Centre-Rosedale.

## YORKWOOD LEARNING CENTRE

**Mrs Tina R. Molinari (Thornhill):** It is my privilege to speak in the House today about the official opening of a special learning centre in my riding of Thornhill. The Yorkwood Learning Centre is a private school for children with learning disabilities, communication disorders, language delays and ADD. The centre's co-operative learning philosophy promotes academic achievement, while encouraging students to explore their individuality in an environment of discovery and self-esteem.

The efforts of the centre's teachers work toward the development of the child as a whole. Teachers incorporate much more into the curriculum and emphasize the teaching of life skills, social skills and emotional and behavioural skills.

The Yorkwood Learning Centre is the only one of its kind in York region, and many of the students come from other areas, including Woodbridge and Aurora, to receive the vital education and services the centre provides.

It was a pleasure to attend the official opening of the centre last Friday to meet the students, parents and teachers. Judging by the many smiles on the faces of the children who attend the centre, Yorkwood is providing a positive environment for children with learning challenges to help overcome their obstacles.

It is truly an honour to have the Yorkwood Learning Centre in my riding of Thornhill, and I would like to congratulate all those involved in making the centre a success.



## VISITORS

**The Speaker (Hon Gary Carr):** Just before we begin, we have some honoured guests in the Speaker's gallery. We have members of the Consular Spouses Association of Toronto. Please join me in welcoming our honoured special guests.

## INTRODUCTION OF BILLS

## 1205458 ONTARIO LTD. ACT, 2001

Mr Levac moved first reading of the following bill:  
Bill Pr23, An Act to revive 1205458 Ontario Ltd.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

## ORAL QUESTIONS

MINISTRY OF HEALTH  
AND LONG-TERM CARE STAFF

**Mr Dalton McGuinty (Leader of the Opposition):** My first question today is for the Minister of Health. Recent events show painfully well that threats of bioterrorism, including anthrax, are far too real. Incredibly, at this time of need you have decided to fire the last five scientists at the Ministry of Health with expertise in life-threatening biohazards. These are the very scientists that our province would turn to if a biohazard attack were to occur.

I want you to tell us, Minister, how can you possibly justify firing those people who are standing on guard for our families when it comes to matters of bioterrorism?

1350

**Hon Tony Clement (Minister of Health and Long-Term Care):** The honourable member is incorrect. There has been no firing of lab testing staff. The only staff that have been affected do not perform any testing; they're not even capable, do not have the qualifications to perform lab testing. In fact, we are in the process of hiring three additional laboratory staff and training them in the techniques he is so concerned about.

**Mr McGuinty:** Minister, if you are not aware of the stories that are running in our newspapers, if you're not aware of what Ontario families are talking about, then I would ask you to be fully briefed and understand the heightened level of anxieties when it comes to bioterrorism.

Let me tell you something about the five scientists in your ministry who you are firing. Dr Lo: he's the guy who chaired the 1999 conference on terrorism and the laboratory of the future. Dr Smitka: she's the one who

received the prestigious Amethyst Award from Premier Mike Harris for her groundbreaking work on infectious diseases. Dr Preston: he's the guy who developed the method for fingerprinting E coli 0157, the bacterium made famous by the Walkerton tragedy. Dr Harnett is a noted expert on antibiotic-resistant superbugs, and Dr Stephan Wang is an expert on chemical toxins.

These are people employed within your ministry whose job it is to act in a preventive way, to be out there on the leading edge, to identify what is going on in terms of the development of biohazards, particularly in our province. Why, Minister, are you firing these five scientists?

**Hon Mr Clement:** I will state for the record again, we are actually hiring three additional laboratory staff and training them in the techniques, to add to the current staff who are already trained. The honourable member is incorrect, and by repeating what is incorrect, the honourable member is contributing, I'm sure unintentionally, to a fearful situation among our population. I think that is highly irresponsible and I would ask him to retract this kind of line of questioning when he is obviously incorrect and he is obviously contributing to what we are trying to do, which is to make sure that we have the standards and we have the capability to deal with any sort of bioterrorism threat that comes our way.

**Mr McGuinty:** Minister, let me tell you exactly like it is: you are being blinded by your ideology. You think that in all cases the best government is the least government. We believe that our families are entitled to have these five scientists on the job protecting them.

I disagree profoundly with the approach that you are bringing to this issue. Your job right now is to stop shirking your responsibilities, open up your eyes to the real fears being felt for our families and act accordingly. It's not enough to spend a million dollars on newspaper ads.

We have scientists on the job. Their job is to protect us from bioterrorism. They've got 150 years of scientific experience, and you decided to fire them. I ask you on behalf of our families, how can you justify laying these people off?

**Hon Mr Clement:** I'd be happy to put on the record for the third time that when it comes to laboratory examination of these kinds of threats, we are adding staff, not subtracting staff. We are training staff, not firing staff.

If there is any blindness in this House, it is the blindness of his unbridled ambition, which forces him to make up these stories and scare the people of Ontario. That is not the way to govern. That is not the leadership that people expect from aspirants to the chair that our leader, Mike Harris, has so amply filled in his time as Premier.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Sorry to interrupt the minister. It is getting a little bit loud in here. I don't know if you've finished, Minister. Are we finished? Sorry.

New question. The leader of the official opposition.

**Mr McGuinty:** I turn to the same minister. Minister, here's a copy of a letter dated December 8, 1998, when you write to Dr Smitka, and you say, "Congratulations on receiving the very prestigious Amethyst Award today. This award recognizes outstanding achievement and promotes values and best practices within the Ontario public service. Your nomination speaks highly of your abilities." You go on at some length. You sign this and you write by hand, "Well done."

Minister, I'm not sure how you got yourself into this fix, but I think the real issue now is, what is the right thing to do? Given the context we find ourselves in, given the heightened anxieties related to bioterrorism, given all the stories that we're hearing day in and day out now about anthrax, how can you justify firing our top five scientists?

**Hon Mr Clement:** I'd be happy to explain this for a fourth time to this House. The people he is referring to have nothing to do with testing; they have nothing to do with laboratory services. They are involved in other services that have nothing to do with the testing that he is so concerned about.

If the honourable member wishes to be concerned about something, he would acknowledge that we are concerned about it. We are adding laboratory testing staff, three more people to the staff to do the very testing that he seems so concerned about. I would encourage him to get his facts straight before asking such questions because what he is doing is creating a problem that does not exist. That is not responsible in these times.

**Mr McGuinty:** I will remind the minister again that he is shirking his responsibilities. There is a difference, Minister, as you well know, between technologists who perform the tests and scientists who are out there creating knowledge so that we understand where the next E coli is coming from and how to deal with it, so that we understand where the next anthrax is coming from and how to deal with it. That is the work that is performed by our scientists. They are on the job here in Ontario within your ministry working at the cutting edge.

I ask you again, understanding the context we find ourselves in, how can you possibly justify firing the five best biohazard scientists we have working for us here today in Ontario?

**Hon Mr Clement:** Let me make it effortlessly simple for the Leader of the Opposition: the very people he is referring to are not even capable, do not have the credentials, are not members of the College of Medical Laboratory Technologists, cannot do the work that he has suggested they do.

I ask the honourable member, check your facts, do the research, be prepared for the leadership responsibilities that you so aspire to, and then you will ask the right questions on behalf of the people of Ontario, which clearly you are not doing right now.

**The Speaker:** Final supplementary.

**Mr McGuinty:** I bring you back to your letter, Minister. In your letter you said, "Today is a very special day for you and one in which we should take great pride.

It is my pleasure to express my sincere congratulations and appreciation. For years to come, Ontarians and Canadians will benefit from your expertise and your professional knowledge."

In another case, we have a picture of the Premier together with one of the people you are firing today.

I'm going to ask you one more time. Let's set everything else aside now, and I want you to think, as minister, somebody who is charged with a specific responsibility when it comes to protecting the health of Ontario families. I want you to do the right thing. I want you to say, "It was a mistake. It was an oversight. I'm not sure how it got to this, but as minister, acting to protect the interests of Ontario families, I'm going to fix it." All you have to do now, Minister, is say, "I'm going to fix it. I will no longer fire these scientists. I will keep them on the job and they will be there to protect Ontario families."

**Hon Mr Clement:** Let me read into the record the previous sentence of my letter, which acknowledges their contribution to research—research, not laboratory testing, not the testing that is being done right now. They are not capable of doing the testing that he is—

*Interjections.*

**The Speaker:** Order. Come to order. Minister?

**Hon Mr Clement:** Let me say this to the honourable member: this government does not have to take a back seat to anyone, this Premier does not have to take a back seat to anyone when it comes to preparing this province for any potential attack, this province for the realities after the September 11 attack. We are proud of our Premier. We are proud that we are leading this country in being prepared. He should do his job, support us, support the preparations, support the kind of leadership that we need in this province, and stop scaring the people of Ontario.

1400

**The Speaker:** New question.

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. We've heard you give speech after speech over the last few weeks, telling the people of Ontario that you want to protect them and ensure their security, but today we learn that your Ministry of Health is going to lay off five scientists who do the dedicated research work, work that can't be done anywhere else, to ensure that Canadians are protected from bioterrorism. How can you go out there in the public and give speeches about protecting Ontario citizens from the threats of terrorism while your government is laying off five scientists who are acknowledged leaders in the fight against bioterrorism?

**Hon Michael D. Harris (Premier):** I think the Minister of Health is doing very well on this question.

**Hon Mr Clement:** I'd be happy to state for the record again that indeed there have been no cuts to testing or other laboratory services that are involved on the front line. In fact, we are adding three laboratory staff, of which we are proud. We have the funds available. We are adding three to the current seven who are in place. That



is the kind of commitment we are making to laboratory testing. That record speaks for itself, and we support that record.

**Mr Hampton:** This Minister of Health is ridiculous. This Minister of Health would have people across Ontario believe that it's all about testing. What about having the knowledgeable scientists who can do the work?

Just one example: one of the scientists whom this government is going to lay off helped identify the very serious strain of E coli that happened at Walkerton. Without this scientist's research and knowledge, it would have taken longer to identify the strain of E coli and it would have taken longer to treat it.

Tell the people of Ontario, Minister, how you justify now getting rid of the scientist who was doing the lead research that identified the strain of E coli that killed seven people and rendered 2,000 ill at Walkerton.

**Hon Mr Clement:** These individuals are not capable of doing the testing he is concerned about. They are not involved in that aspect of laboratory testing; they never have been. They don't have the capability. They don't have the qualifications.

The fact of the matter is, they are not involved in laboratory testing, which is what we are involved in expanding in Ontario to meet the immediate threat and to be sure that the people of Ontario are adequately protected. That is a record that we stand by. We are improving upon that record day by day as we meet the challenge of this particular situation after the attack on September 11. We are proud of that. We are expanding the laboratory testing services, and we will continue to do so.

**Mr Hampton:** I do not believe what I'm hearing. I'll send you over this academic paper, although from your answers I suspect it will go totally above your head. It's an academic paper by one of the scientists who identified the E coli strain at Walkerton. It's an academic paper that addresses that very issue. You ought to have a look at it before you lay off the scientist.

Another little item: a conference put on by Ontario ministry labs in 1999, terrorism and the laboratory of the future. Who organized this conference, which was attended by CSIS and other law enforcement agents? One of the very scientists, Dr Lo, that you now want to lay off. How are you going to make use of testing when the very scientists who can tell you how relevant that testing is are now going to be fired by your government?

**Hon Mr Clement:** Let me assure this House that we do have laboratory scientists, we do have researchers, Health Canada has scientists and researchers, and they are working together, as we speak, to deal with this particular situation in which we find ourselves after the attack on September 11. That work is ongoing. It is continuing. It is being expanded and integrated.

That's the kind of leadership the people expect from Premier Harris and this government as we search for solutions in the wake of the attacks on September 11. We

are proud of the additional resources, we are proud of the focusing of attention in these areas, and it will continue.

**The Speaker:** New question, the leader of the third party.

**Mr Hampton:** Minister, maybe you need to follow some of the events in the United States. It's not just testing that is taking place but it is the very specific research that is taking place to determine where strains of anthrax, for example, could have originated and how they are being turned into spores which can most affect people. It's not about testing; it's about having that scientific knowledge that then can tell you what we do with these tests, what we do with the information we've got and how we most effectively treat people.

Don't you understand that those people up there are the people who have that knowledge and expertise about how to do the research, the relevancy of the tests and how the tests relate to various aspects of bioterrorism? They're the very people your government is firing today. Tell the people of Ontario how you justify that, Minister.

**Hon Mr Clement:** I can assure this House that we are in contact with the Centers for Disease Control in Atlanta; we are in contact with officials, including scientists at Health Canada; our medical officer of health is in contact with these people on a daily basis, and that will continue. So we do have the research capacity in this country, we do have the testing capacity which is being expanded in this province, and that will continue.

The answer to your question is, we have the capacity, we are increasing the capacity. The important thing right now is the testing and we are increasing the capacity in the testing.

**Mr Hampton:** In case the Minister of Health has missed it, the Centers for Disease Control in Atlanta is rather busy these days. In case you missed it, Ontario needs some expertise here in Ontario. We don't want to have to wait until Atlanta says, "Oh, we can address your problem now."

Minister, do the responsible thing. Admit that you made a mistake. Admit that in your desire to cut the budget of the Ministry of Health you have made a mistake. Admit that mistake and tell the people of Ontario that these five dedicated scientists are going to be rehired today.

**Hon Mr Clement:** As I say, the individuals were involved in internal support. They had nothing to do with laboratory testing or the capacity of the laboratories. We have added to the capacity of laboratories and we will continue to monitor that. Our first job is to make sure that as a result of the particular circumstances in which we find ourselves, we test suspicious packages and we ensure that those packages that have to be forwarded on to Health Canada experts in Winnipeg are forwarded on. We are working with Health Canada to make sure that we have the capacity to do that and we are working with Health Canada, quite frankly, to make sure that they do their job and that we do ours and we don't step on each other's toes. That is the commitment of this government. We are focused very much on the tragic events of

September 11 and we have shown the leadership in this province and this country for which we are very proud.

**The Speaker:** New question, the leader of the official opposition.

**Mr McGuinty:** My question is to the Minister of Health. One of the scientists you decided to fire is Dr Preston. E coli 0157, as you know, is better known as the Walkerton strain of E coli. Dr Preston's work was instrumental in zeroing in on the source of the Walkerton outbreak. It served as an important resource for the work of Dr Murray McQuigge and the Walkerton public health unit; indeed, in Dr McQuigge's report he references Dr Preston's work.

You have now had some opportunity to reconsider and to better understand the importance not only of technologists who have to be on the job to protect our families, but also of scientists who are working at the cutting edge in creating new knowledge when it comes to new biohazards. Now that you've had this opportunity, you've had a moment to reflect, do you not believe that it is in the interests of Ontario families that you set aside these firings and that you guarantee Ontario families that these people will remain on the job and act to stand on guard for us against biohazards?

**Hon Mr Clement:** Let me assure this House and the honourable member that biohazards are a continuing concern. It's a concern that we take very seriously. So does the chief medical officer of health. We are testing more and more. We are hiring more testers. We had a situation where internal staff were not needed and, quite frankly, we have to focus in on the testing. We have centres of expertise in this province and this country when it comes to research. That should be acknowledged and supported; I understand that.

But when it comes to our job, our job is testing, safety, identifying hazardous substances from all the range of substances that come into the labs and, in some cases, forwarding them on to Health Canada. That is our job. We are continuing to do our job and we are continuing to enhance our capability to do that job through more resources. So the honourable member is incorrect. We are doing the job that is necessary for Ontario and we will continue to do so.

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**Mr McGuinty:** With all due respect, you are not doing your job. Your job is to protect Ontario families. These scientists are the intelligence agents in the war against bioterrorism. That's what they do. You have to understand the difference between technologists and people working at the cutting edge creating knowledge. These people are at the cutting edge. They have a combined 150 years of scientific expertise. They have already proven their value to us.

As the Minister of Health, the individual over there who is charged with the special responsibility of protecting the health and well being of Ontario families, how can you possibly justify letting these people go?

**Hon Mr Clement:** Let me again say for the record that they do not have the qualifications of medical

laboratory technologists; they have never had those qualifications. We are focusing in on increased laboratory testing. That is what our job is. Other parts of Health Canada and Ontario have different jobs, part of which is research, which, incidentally, is mostly funded by the government of Canada. So if the honourable member has a problem, he can go there if he wishes.

I can tell you that I am working with Health Canada and I am working with the federal Minister of Health, because it's important that we integrate each other's services, that we don't duplicate and waste the resources we have and that we ensure those services are there for the people of Ontario and Canada. We will continue to do so.

## PUBLIC LIBRARIES

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Minister of Tourism, Culture and Recreation. Libraries throughout my riding have been celebrating Ontario Public Library Week with special events and programs. I was pleased to host you last spring to visit St Marys Public Library in my riding. You saw first-hand the excellent range of services provided by this community library.

In today's information economy, libraries like the one in St Marys are increasingly expected to provide not only books and research materials but CD-ROMs, videotapes, computer access and much more. Can you tell us how your ministry is helping community libraries respond to these new demands for services?

**Hon Tim Hudak (Minister of Tourism, Culture and Recreation):** I thank the member from Perth-Middlesex for his question. I enjoyed going to St Marys not too long ago to see the great work being done in the member's riding at St Marys Public Library. It's a good question; in fact, it's a great time to announce to the House that this was the launch of Ontario Public Library Week. I was with Joe Spina and Raminder Gill at the Brampton Public Library's Chinguacousy branch yesterday to launch Ontario Public Library Week.

Annually, about \$30 million has been invested by the Mike Harris government into 1,215 libraries across this province, helping to leverage another \$20 million from local partnerships and approximately \$400,000 a year into the library strategic development fund to help with new projects in emerging technologies and innovation in libraries across this province.

**Mr Johnson:** My supplementary is for the Minister of Tourism as well. I know that St Marys library has seen many changes since it was built in 1905, and the addition of computers is certainly one of them. My constituents tell me how important it is to have Internet access at their libraries, whether it's to search for a job, find out about government initiatives, research business information or even read books on line. What is your ministry doing to help community libraries provide this important tool?

**Hon Mr Hudak:** No doubt, libraries have changed significantly since 1905 and the opening of the St Marys branch. In fact, at the St Marys branch, we had a giant



mouse to launch our new round of Internet connectivity grants to communities across the province. In fact, about \$1 million per year from the Mike Harris government goes to 132 community libraries across this province from St Marys to Fort Erie.

I want to express my congratulations to the winner of this year's Ontario Library Achievement Award, the Vaughan Public Library. Congratulations for their award. As well, the Welland Public Library, in partnership with the Wainfleet Township Public Library, won the Mowat award for their digital Web site about the history of the canals in the Niagara Peninsula. Congratulations to all the winners during Ontario Public Library Week.

#### ONTARIO SECURITY FUND PLAN

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Premier. Earlier today I released a plan to make Ontario stronger and safer. Unlike the Minister of Health, we believe that it is important for us to act in the better interests of Ontario families and do whatever we can to make sure they're safe.

I am proposing today that we create something new: an Ontario security fund. If we were to dedicate to our security just 10% of the billion dollars that you have promised but not invested yet in capital, we would have \$100 million to pay for projects to make our province safer.

I offer this plan as a constructive proposal to secure our province. Will you act on our plan, Premier?

**Hon Michael D. Harris (Premier):** As always, we appreciate positive suggestions on areas that we can move on. It is a time when I think we need to be (a) calm and (b) working co-operatively together, all parties, all Legislatures in Canada, and with the federal government as well.

The proposal you've put forward doesn't seem to be one that talks about where to spend the money but how to find the money, and let me assure you that there are a couple of concerns. One, your plan also calls for accelerated capital funding in other areas, which, as you know, we have made several announcements on. Second, what we prefer to do is look at programs that are necessary and things that we need to do and then cost them out and allocate the money. I assure you that we will make available every cent required to have the safest province in Canada.

**Mr McGuinty:** I want the Premier to understand that my proposal would not cost the government a single extra cent. I am talking about money that you've already committed to capital projects you have yet to allocate, you have yet to spend. I'm asking, Premier, that you consider setting 10% of that aside.

Let me give you some idea of what we could do with that funding. We're about to require municipalities to update their emergency response plans. I think that's a good idea and we all support that on this side of the House. But that law will be meaningless if those municipalities can't afford to develop those plans and train

their people. I think we should be providing assistance to those municipalities to help develop those plans and train those people.

Provincially, we need to protect locations that are potential targets, like oil and gas pipelines, hydro stations, transportation corridors and public buildings. That's what we could do with the 10% of the capital dollars which you have already committed but which you have yet to spend. I think we should be meeting the special circumstances of the day, and those dictate that we address security issues. That's what I would do with that 10% funding. I ask you again, Premier, what do you think of this plan and why can we not move forward with it?

**Hon Mr Harris:** As I say, I appreciate suggestions. I don't know how I can accelerate capital with those existing funds and then take \$100 million of those funds and reallocate them into other areas. You've given me two conflicting challenges there and, as a number of my caucus have indicated, you identify a pot of money and then you spend it about 35 times, which is like the NDP. They only spend it 34 times.

I appreciate the suggestion. A lot of the programs we're looking at, though, are ongoing programs; we're not just interested in being the safest province for the balance of this fiscal year. Capital is one-time money. What we are looking at is a lot of the programs that I think have to go on beyond this fiscal year. They need to be ongoing programs and there will be ongoing costs. I wouldn't want to dismiss out of hand any suggestion on ways to find money, but I want to assure you that we want to be safe next year too. I don't think it's responsible to put one-time dollars into what are going to have to be ongoing programs so that we can be safe today, next month and next year.

#### FLU IMMUNIZATION

**Mr John O'Toole (Durham):** My question is to the associate Minister of Health and Long-Term Care. I could just reach down and speak to you, but in the interests of the House, Minister, as you know, we are entering the fall season and the weather is getting colder. Clearly, the flu season has begun. Influenza affects a vast number of Ontarians each year and it's not something we as a government take lightly. Thousands become seriously ill each year and influenza could result in death.

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I think back to the winter of 1999, when the flu had a serious impact on many Ontario citizens. Clinics had long waiting times, emergency rooms were full, and many missed days of work. In fact, it was a very serious problem. The next year, our government moved quickly to lessen the impact of influenza by investing \$38 million and by creating the first ever influenza immunization program in Canada. Every Ontarian had the choice of receiving free flu vaccine.

Minister, on behalf of my residents and constituents—I think of nurses, doctors, daycare workers, the elderly,

people who are vulnerable from other diseases—they need this service. Are we going to—

**The Speaker (Hon Gary Carr):** The member's time is up. Associate Minister of Health.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I would like to thank the hard-working member from Durham for the question. We all know that.

Let me say that our government has pledged to ensure we have a strong health care system in the province. We also pledged to make sure the flu shot is universally accessible to people of the province so that we can keep them healthy. Last year, as the member noted, we started this program and it was a complete success. It moved us toward an even higher quality of health care in the province of Ontario.

The flu shots for this year were started at the beginning of the month, and the vaccines are already available at the health units. So I ask everyone to move forward to get those shots. There are 5.7 million doses available to the people of Ontario, and the government has invested \$44 million in this process. This is just another initiative that the Minister of Health has brought about so that the people of Ontario—

**The Speaker:** I'm afraid the minister's time is up. Supplementary.

**Mr O'Toole:** Minister, you can virtually feel your compassion and commitment to the citizens of Ontario. It's important to understand that we have a sustainable, efficient health care program, not just in my riding of Durham but indeed for all Ontarians. Not only is the flu program a preventive option for the people of Ontario; it also potentially saves lives, time and money. The people of Ontario need to have access to emergency services in a timely fashion. The influenza immunization program will ease pressures on emergency rooms and save lives. As well as the positive impact on people's lives, it will also help our economy. I can't help but think of the influenza program as simply saving lives and helping hard-working Ontarians.

Minister, what further commitments in rolling out this program can I expect in the near future?

**Hon Mrs Johns:** I'd like to thank the member again and just say that the government has further increased the pledge that it made last year by pledging to focus on the workplace as well as people in their homes. The flu is a contagious disease and we know that it causes negative impacts not only at work, in the companies and organizations, but also on employees and on their families at home. So we have to make sure, as we move forward with the immunization, that we work with the business community as well.

A random trial that was done and published by the New England Journal of Medicine showed the cost savings to employees and employers of holding flu clinics. It showed there was a saving of about US\$50 per vaccination for employees. So we urge all citizens in the province and all workplaces to open their doors so that we can ensure the quality of health continues to increase

as we do many health promotion items to protect the people of Ontario.

#### MINISTRY OF HEALTH AND LONG-TERM CARE STAFF

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. I don't think your Minister of Health gets it, so I'm going to ask you to intervene in this. One of the scientists your Minister of Health wants to lay off is an expert in fungi and infectious diseases. In fact, she has designed 15 of the diagnostic tests that your Minister of Health refers to when he says, "We want to do the testing." The very person who has designed 15 of the diagnostic tests which help public health officials determine when there are biohazards present, your government is now going to fire.

Premier, I'm asking you to intervene and overrule your Minister of Health. At this point in time, with the threat of bioterrorism, this is exactly the kind of knowledge and expertise that we want to keep in Ontario and definitely not the kind of expertise and talent to be fired. Will you overrule your Minister of Health?

**Hon Michael D. Harris (Premier):** I would suggest to the leader that, contrary to his assertion, he seems to be the one who doesn't get it. The priority area right now as defined, and working in conjunction with Health Canada, is, as the Minister of Health has outlined to you, all available resources to testing and ensuring that any threat assessments are dealt with as quickly as possible. As the minister has indicated to you, this is the priority area all the experts have identified. In fact, this is the area where hiring is taking place. This is the emphasis that we want: to reassure Canadians, particularly here in the province of Ontario, working co-operatively, that they are as safe as they possibly can be. You just don't seem to get that.

**Mr Hampton:** Premier, I'm going to send over a picture of this scientist, a picture taken with you. This scientist has been recognized internationally for the diagnostic tests that she has designed that allow us to isolate and determine certain biohazards.

But I also want to point out one of the other scientists to you especially. This scientist is Dr Preston. Dr Preston developed the test and the research technique to quickly identify the very E coli bacteria strain that killed people at Walkerton. So the very scientist who developed the test and the research technique so that we could identify the strain and treat people more quickly and save lives, your government is now going to fire.

A lot of people tried to warn you about Walkerton and you didn't listen. Now it's time to listen. Don't fire the very scientist who helped you to respond to Walkerton after mistakes were made initially. Overrule your Minister of Health and ensure that this doesn't happen.

**Hon Mr Harris:** I thank you for the photograph. I'm very proud of all of our public servants, as I said yesterday, and particularly the scientists who have created a number of the tests that now are our emphasis, and now the resources are being put to carry them out.



I thought maybe by way of response I would share with you a quote that I think you and the leader of the official opposition are engaging in. It comes from one of my greatest supporters in Ottawa and it says, "The biggest disease we have to face right now is fear." I think you and the Leader of the Opposition are playing into that. That's my good friend the Honourable Allan Rock, from the Ottawa Citizen, October 10, 2001. I happen to agree with Allan Rock on this.

#### IPPERWASH PROVINCIAL PARK

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Premier; it has to do with the shooting death at Ipperwash. Almost everything that the public was told about that episode turned out not to be true. The First Nations people were not armed. There was evidence of a burial ground. You have said all along that you left it entirely to the OPP. The one note we have on your meeting is that the Attorney General was instructed by the Premier that he desired to remove it within 24 hours.

The park is still closed and we still don't know the truth, Premier, of what happened at Ipperwash. Will you do the right thing and will you commit today to hold a full public inquiry into that shooting death?

**Hon Michael D. Harris (Premier):** I have committed, as you know, to assure you, the George family and all Ontarians that I had no involvement and I continue to do that. There is a matter of a court case. I will be testifying in that court case. This is a matter that is now before a judge, where you want to have it. I'm sure you're not suggesting this judge is not as impartial as any that's there. I didn't initiate this process; somebody else did. But I intend to see it through.

**Mr Phillips:** The George family from the start, Premier, have begged you to not proceed with the civil case and to go to a public inquiry. They have sent you a personal note saying they would drop in an instant the civil case. You would never do this at Walkerton. You wouldn't force the people of Walkerton to take you to court. That's why a public inquiry was called at Walkerton. The same thing should happen here.

The poor George family are being dragged into bankruptcy by you. You have already spent over \$500,000 of taxpayer money fighting them. Again I say to you, this is fundamental to the province of Ontario. Will you do the absolute right thing? Will you, in these dying days of your premiership, finally do the right thing and call a public inquiry into what happened at Ipperwash?

**Hon Mr Harris:** I will continue to do absolutely the right thing in these very active days of my leadership.

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#### COMMUNITY LIVING FUNDING

**Ms Marilyn Mushinski (Scarborough Centre):** My question is for the Minister of Community and Social Services. Earlier this year, on Community Living Day, I spoke of the importance of developmental services in my

community and of the new investments made by our government in the May 2001 budget. Since then, I have been approached by a number of families and individuals in my riding of Scarborough Centre, telling me about the challenges they face and how they need this new money to be spent. They told me that staff recruitment and retention is a major problem. They also speak of the need to expand the number of community living spaces so that they can do more to meet the demand for these spaces.

Clearly, government action is needed on a number of these fronts, Minister. I would like to know what action you have taken to make sure the agencies in the Toronto area can expand their services to help more people.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** The member has been a strong advocate for community living in Ontario, as have a good number of colleagues on all sides of the House. We strongly support the need to do more for people with a developmental disability in our province.

The government announced in the May budget \$55 million of new support, growing to \$197 million a year over the next five years, which is a considerable amount. In fact, it's the biggest investment in supports for people with developmental disabilities. We recognized a whole range of needs, from attracting and retaining top-quality staff to the importance of places to live for people with developmental disabilities, not just as a support for them but as a support for their aging parents.

Some \$7.3 million of this initial investment will go to help find places for people with developmental disabilities to live, and that includes \$1.2 million in the city of Toronto, where it will add five spaces at the Toronto Association for Community Living, a phenomenal group that has a great history of providing supports to community living, as well as five spots at Christian Horizons in the city of Toronto.

**Ms Mushinski:** Thank you for that response, Minister. One issue that comes up in every discussion I have with people who work in this sector is the whole issue of staffing pressures. People in the sector are worried about their ability to provide salaries that will attract and keep staff. The work these people do, we know, is often difficult and often thankless, yet their commitment to serving their clients is second to none. They play a big part in helping them live their lives in the community with dignity. Considering the immense human resource pressures that these agencies face on a daily basis, what action are you taking to help these agencies so that they can continue to provide these vital services?

**Hon Mr Baird:** I share the concerns expressed by the honourable member. Obviously attracting and retaining quality staff in this profession is something that's incredibly important. Many agencies around the province were having shifts going unfilled, with huge pressure being put on managers and staff to work considerable amounts of overtime because of lack of support to provide help. In fact, for a good seven or eight years no

additional supports were given to many associations for community living to deal with this staff retention and recruitment challenge.

We are providing a majority of the new funding, some \$31.7 million to 260 of the 400-odd agencies around the province, some with the most incredible needs. That will include about \$3.6 million in the city of Toronto. This is the first part of a five-year investment to help ensure that we revitalize the agencies and their capacity to provide supports to some of our most vulnerable citizens.

### CONFIDENTIAL INFORMATION

**Mr James J. Bradley (St Catharines):** My question is to the Minister of the Environment. Under the Drive Clean program, your ministry is now providing confidential information about drivers in this province and the vehicles they own, information that could be traced back to identify individual owners, and those drivers are not aware this is the case. We know the Ministry of Transportation sells information to the private sector. We know that the Province of Ontario Savings Office gave a pile of private information about people. Will you now assure the House that you will abandon your plans to sell the information from the Drive Clean program to private companies such as the one in Virginia which wishes to obtain that information and use it for its own purposes to make a profit?

**Hon Elizabeth Witmer (Minister of the Environment):** I certainly appreciate the question that has been placed to me. I would simply indicate to the member opposite that anything that would happen in the future obviously needs to be thoroughly consistent with the practice of ensuring that there would be absolutely no confidential information that would ever, ever be shared with anyone else.

**Mr Bradley:** There has been, in fact, an exercise going on in your ministry which involves this. The minister in charge of privacy and information, Mr Norm Sterling, the Minister of Consumer and Business Services, has indicated he does not think—I think I'm not misquoting him. In his opinion, he wonders whether the information commissioner of the province of Ontario would allow this to happen, and he's developing a new bill to protect the privacy of people.

So I'm asking you if you will totally abandon any efforts on the part of your ministry to sell this information. Clearly your ministry was in the process of negotiating with some American companies, one of them in Virginia.

**Hon Mrs Witmer:** First of all, to the member opposite, I think I need to make it abundantly clear that our ministry is not selling any information. I would also share with you the fact that any information that our government would share at any time would be totally consistent with all of the privacy rules.

### COMPETITIVE ELECTRICITY MARKET

**Mr Garfield Dunlop (Simcoe North):** My question is for the Minister of Energy. There have been some articles in the papers in the local and provincial media about aggressive marketing by electricity retailers. I'd like to know what the government has put in place to ensure consumer protection measures with respect to electricity restructuring.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** I thank my colleague for the question. It's an important question because some nine million contacts have been made with the people of Ontario by electricity retailers over the last year. We take very seriously complaints that come into the ministry. The Ontario Energy Board, as the regulator, takes very seriously the complaints that come into its office.

I just want to let consumers know: if they're not sure of the pitch or they're not sure of what they are signing, please don't sign anything. If you do sign something and you have second thoughts, there's a 10-day cooling-off period which we built into the law.

I think Jean-Marc Lalonde brought to our attention the other day that in his part of the province, Glengarry-Prescott-Russell, there was a retailer apparently saying, "If you don't sign within 20 minutes, your electricity will be cut off." That's unacceptable, and we encourage people to complain, to call the ministry, to call the Ontario Energy Board, so that we can get to the bottom of these matters.

**Mr Dunlop:** Thank you very much for that response, Minister. Also, how are you educating consumers about these safeguards and helping them to make informed choices in the new competitive market?

**Hon Mr Wilson:** In February 2000, last year, we began a public education campaign. That campaign has been ongoing. If people look in the newspapers, particularly the big Toronto newspapers, there are banner ads that publish the toll-free number where they can get information about electricity restructuring, they can get consumer information that they need to know before dealing with marketers at their doors. Finally, that number can also be used to complain if somebody is not abiding by the code of conduct that's been put in place for good business practices by retailers.

Again, I can't stress enough that people need to bring those complaints forward to us. We sincerely want to deal with concerns that people have. It's a matter of good consumer protection, and this government is committed to it. We have brochures out and we have a mailing coming out in the next couple of months to every household in the province—

**The Speaker (Hon Gary Carr):** The minister's time is up. New question.

### SITE OF EARLY PARLIAMENT

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Culture. Minister, archaeologist Ron Williamson has confirmed that the remains of



Ontario's first Parliament building have been found. Thousands of artifacts have been uncovered, helping to shed light on the cradle of our democracy, yet the site presently houses a truck rental, a car wash and a limousine service. It could be a museum that we could all be proud of, that you could be proud of, a magnet for culture and tourism. Today's special exhibit opens at St James Cathedral, which allows the public to see the artifacts.

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Minister, will you buy the site of Ontario's first Parliament so it can be preserved for future generations?

**Hon Tim Hudak (Minister of Tourism, Culture and Recreation):** I appreciate the question from the member opposite. I appreciate his interest in this important historical issue. It's very exciting news recently that strong evidence of the first Parliament site may have been discovered, very strong evidence that is the case, here in the city of Toronto.

I think it's obviously important for my staff and myself as minister to review the report to understand the options that exist and to make sure that we have a good understanding of what exists at the site: what are the remains, what kind of artifacts are there, the condition that is currently there, as well as the businesses that have been on there since the time of the Parliament burning down. Quite a history there; many buildings built on top of it. I think it's important for me as minister to review that report and see what the options are.

**Mr Marchese:** I'm happy that he appreciates my interest, and I'm hoping to interest him in buying this site. What I'm saying to him is that we need to invest in our future, of course, but also in our past.

Montreal has developed an archaeological site into a world-class museum of its history. If Montreal can do it and preserve its history, so can we. And that's what I'm asking you to do.

This is not the first time I have brought this to your attention. I brought it to the attention of the previous minister as well. You know that. I'm saying you can reduce the cost if you work with the private sector and do a land swap with the existing owners.

All I'm saying to you is that you've had plenty of time to review it. Please, act now, buy the site and preserve Ontario's first Parliament.

**Hon Mr Hudak:** Again, I think it's obviously very important to help preserve the heritage, a very proud history, of the province of Ontario. There's no doubt the Mike Harris government is making significant investments in heritage under this government; for example, over \$10 million in the heritage challenge fund throughout this province.

Recently in fact I invested, through the ministry, \$5 million for an open, existing facility at Fort Henry, and I hope the federal government will come through for matching funds at this site owned by the federal government.

I appreciate the member's point. An important point is the price tag. I think we have to keep these in balance in terms of what we can do and what we can't. When you're looking at significant funding to buy the property and take the businesses off the property to build a museum, I think we have to take into context a price tag that's been quoted as more than \$30 million or \$40 million. That's a lot of taxpayers' money. We have to make sure we invest that taxpayers' money where it's going to make the biggest difference.

#### ACCESS TO PROFESSIONS AND TRADES

**Mr Tony Ruprecht (Davenport):** I have a question for the Minister of Training, Colleges and Universities, but since she's not present today, I have to ask the Premier this question.

Mr Premier, as you know, we're trying to attract skilled workers all over the world. In fact, Ontario is scouring the world to try to bring them to Ontario so that they can be part and parcel of our economy. Now, as you know, once they get here to Toronto or in fact to any city of Ontario, they're being denied access to their trades and professions. The door, in short, is shut. As you also know, many of them, when they arrive, are turning out to be taxi drivers, restaurant cleaners and also pizza delivery persons.

My question to you is simply this: your minister made an announcement that she's spending \$12 million to address these issues, but do you know where she made the announcement? At the Yee Hong seniors centre and not in this House.

What we want to know today from you is, what is your policy to your ministers? Should they make—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon Michael D. Harris (Premier):** I appreciate the question and I appreciate the member's interest in a very important area, something we have been talking about with a number of people in the ethnic community. On a number of occasions, I have discussed with a number of leaders and those in the ethnic press a very strong concern they brought forward. It's something the minister and our government have been working on. We have to work with the professional bodies that license, whether it be doctors, nurses or accountants, in reciprocal recognition of training and experience in these countries.

So it's something we are pushing. The minister has made an announcement. I'm sorry if you think that making the announcement directly to Ontarians, particularly those in the ethnic community, and telling them exactly what we're doing is wrong. We happen to think that talking directly to Ontarians and listening to them is exactly the way we should govern. But I appreciate the member's interest. It's something he and I have talked about in the past. Perhaps other members of his party should have more interest in this as well.

**Mr Ruprecht:** Now that I know you have an interest in this as well, I'm delighted to hear it. Let me ask you this question: you are aware, of course, that in some instances we were unable to open hospital beds because of a lack of professional nurses. Now, as you know, we're trying to get them back. We're saying to them, "We'll pay you extra money, we'll offer you incentives and bonuses and we'll offer you bridging programs. Please come back because we made a mistake." You know that when you came to office one of the first things you did was to cut the legs from under the nurses. You cut them off and you really fired—do you know how many? You fired hundreds of them. So we're asking you today: are you ready to say that your Common Sense Revolution has made a mistake by firing these nurses, because today we need them back? Please stand in your place and tell us that you've made a mistake because we need these nurses back in Ontario. We can't open our hospital beds.

**Hon Mr Harris:** I know the member would want to know the facts. If you take a five-year Liberal period, a five-year NDP period and a five-year period of our government, there were more nurses let go by hospitals under the Liberals and the NDP than there were by our government. I know that you didn't let them go directly, that it was the hospitals under your watch. Quite frankly, some were actually let go under our watch.

I think we made it very clear in a statement by the former Minister of Health and by the current Minister of Health that this was not the right thing for our hospitals to be doing, under your watch, under the NDP watch and under our watch. That's why we brought forward a significant new nurses' program, working with the RNAO, the Registered Nurses Association of Ontario. I can tell you that we have met our goal of 12,000 new nurses; I think we exceeded that goal. We continue to recruit. Nurses around the world continue to find Ontario a great place to live and work. They continue to be attracted to this jurisdiction.

## CONSTRUCTION INDUSTRY LABOUR RELATIONS

**Mrs Tina R. Molinari (Thornhill):** My question is for the Minister of Labour. Since 1995 the government has worked hard to improve Ontario's competitiveness through several initiatives, including reforming labour legislation. Some of the businesses in my riding have commented specifically on the one in relation to residential construction. Can you inform the House of the present state of the labour relations climate in Ontario?

**Hon Chris Stockwell (Minister of Labour):** Thank you so much. That was an excellent question. The state of residential construction, specifically in your area of Thornhill, is absolutely fantastic. It's at a state now where I think the superlatives are—you couldn't use any higher words to determine exactly how well it's working. They've got contractual agreements. Their unions are running over years and years and years. The housing

starts are up. The unions that have signed contracts are satisfied. The builders are satisfied.

Actually, by asking that very question, you've given me an opportunity to thank the members of this caucus for bringing in legislation that changed the act, that provided this kind of stability in residential construction. So I would like to thank you and the members of this caucus, because this is the kind of leadership the province of Ontario needs.

1450

## PETITIONS

### AUDIOLOGY SERVICES

**Mr Rick Bartolucci (Sudbury):** This petition, entitled Listen: Our Hearing is Important, is to the Legislative Assembly of Ontario.

"Whereas services delisted by the Harris government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas like northern Ontario; and

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned"—from Sudbury, Coniston, Valley East, Timmins and Cochrane—"petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I give this to Jonathan, and I affix my signature, as I am in complete agreement with it.

### MUNICIPAL TAXATION

**Mr Peter Kormos (Niagara Centre):** I have a petition from thousands of residents of the Cambridge area. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the Legislative Assembly of Ontario has enacted legislation requiring municipal governments to equalize tax rates for industry and commerce to that of residential rates; and

"Whereas residential property owners will thus be burdened with an inappropriate and an inordinately substantial tax increase for the sake of business interests; and

"Whereas industry and commerce, by virtue of their volume of activities and use of services place con-



siderable demand on all municipal services and should thus pay accordingly; and

"Whereas industrial and commercial ratepayers are able to raise the price of goods and services to offset cost increases;

"We, the undersigned, petition the Legislative Assembly of Ontario to provide relief to taxpayers who have been disproportionately affected by this transfer of tax burden from industry to homeowners."

Thousands of signatures from the Cambridge area; I attach my signature as well, sir.

#### CRUELTY TO ANIMALS

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I'm pleased to affix my signature to this petition.

#### COMMUNITY CARE ACCESS CENTRES

**Mrs Sandra Pupatello (Windsor West):** "To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of over \$175 million due to a funding rollback by the provincial government; and

"Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services, so as to ensure that community care access centres can provide the services that Ontario's working families need."

I submit this on behalf of the many people of Scarborough.

#### CRUELTY TO ANIMALS

**Mr Garfield Dunlop (Simcoe North):** "To the Legislative Assembly of Ontario:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they inflicted on puppies under their so-called care,

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I would like to sign my name to that as well.

#### COMMUNITY CARE ACCESS CENTRES

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** "To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of \$175 million due to a funding rollback by the provincial government; and

"Whereas due to this funding rollback, CCACs have cut back on home care services, affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are forcing Ontarians to more expensive long-term care facilities or back into the hospital,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services so as to ensure that community care access centres can provide the services that Ontario's working families need."

I will affix my signature to this petition.

#### CENTRES D'ACCÈS AUX SOINS COMMUNAUTAIRES COMMUNITY CARE ACCESS CENTRES

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** « Attendu que dans la Révolution du bon sens de 1995, Mike Harris a promis d'instituer des pratiques budgétaires axées sur les patients dans le secteur des soins de santé ; and

"Whereas community care access centres now face a collective shortfall of \$175 million due to a funding freeze by the provincial government;

« Attendu qu'en raison de ce manque à gagner de leur financement, les CASC ont dû réduire les services de soins à domicile, ce qui a des répercussions sur bon

nombre d'Ontariens et d'Ontariennes malades et âgés ; and

"Whereas these cuts in services are mostly in home-making services, forcing Ontarians into more expensive long-term-care facilities or back into hospital,

« Nous, soussignés, demandons à l'Assemblée législative de l'Ontario d'instituer immédiatement des pratiques budgétaires réellement axées sur les patients dans le domaine des soins de santé, et cela inclut les soins à domicile, de telle sorte que les familles des travailleurs et travailleuses en Ontario puissent avoir accès aux services de soins de santé dont ils ont besoin. »

It is my pleasure to sign this petition, along with my people from Ottawa-Vanier.

#### ONTARIO PUBLIC SERVICE

**Mr Pat Hoy (Chatham-Kent Essex):** "To the Legislative Assembly of Ontario:

"Whereas the November 2000 announcement of massive privatization of the Ministry of Transportation services will have a significant detrimental effect on citizen road safety, confidentiality of citizens' information and on the economy of Ontario; and

"Whereas the employees of the Ministry of Transportation are recognized in writing by the provincial government to have provided excellent service on the government's behalf; and

"Whereas the government of Ontario is taking away the livelihood and decreasing the standard of living of thousands of employees and families by its actions both directly and indirectly through spinoff effects; and

"Whereas citizens of Ontario are entitled to safe roads, consistency of driver testing and competent inspection of trucks, school buses and vehicles carrying dangerous goods; and

"Whereas communities continue to need to retain decent-paying jobs if they are to maintain viability and vibrancy; and

"Whereas we taxpayers have entrusted the provincial government with the maintenance of public safety with an apolitical and efficient public service, a service free of profiteering and protected from conflicts of interests; and

"Whereas privatization is an abdication of such policy,

"We, the undersigned, petition the Legislative Assembly of Ontario to place a moratorium on all further privatization and to restore and promote public service as being of significant value in our society."

I have signed this petition.

#### CRUELTY TO ANIMALS

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care,

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

1500

#### COMMUNITY CARE ACCESS CENTRES

**Mr Ernie Parsons (Prince Edward-Hastings):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres (CCACs) now face a collective shortfall of up to \$175 million due to a funding freeze by the provincial government; and

"Whereas due to this funding shortfall, CCACs have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are mostly in homemaking services, forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately institute real patient-based budgeting for health care services, including home care, so as to ensure that working families in Ontario can access the health care services they need."

I'm pleased to add my signature to this.

#### AUDIOLOGY SERVICES

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** Today I present petitions from the following communities: Paris, St George, Brant county, Brantford, Grimsby, Toronto, Vineland, Burlington, Orillia, Washago, Dundas, Arthur, Waterdown, Freelon, Elmira, Clifford and St Thomas—1,000 signatures received in the last two days.

"Whereas services delisted by the Harris government now exceed \$100 million in total;

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;



"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

We're getting about 1,000 signatures a day on this petition.

#### PODIATRIC SERVICES

**Mr David Caplan (Don Valley East):** I have a petition entitled "Foot Care is Not a Luxury." It is to the Legislative Assembly of Ontario.

"Whereas services delisted by the Harris government now exceed \$100 million in total;

"Whereas Ontarians depend on podiatrists for relief from painful foot conditions;

"Whereas new Harris government policy will virtually eliminate access to publicly funded podiatry across vast regions of Ontario;

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across" this great province of "Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to cancel the delisting of podiatric services."

I agree with this petition.

#### AUDIOLOGY SERVICES

**Mr Gilles Bisson (Timmins-James Bay):** I have a petition here, if I can find it. Can you believe I grabbed the wrong folder, Mr Speaker? There it is; got it. I knew it was here.

I have a petition here signed by a great number of people from the communities of the Timmins, Cochrane and Iroquois Falls area. It is written as follows:

"Whereas services delisted by the Harris government now exceed \$100 million in total;

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government"—we're going to have to change that from the Mike Harris government to the new one—

"move immediately to permanently fund audiologists directly for the provision of audiology services."

I affix my signature to that petition.

#### SOCIAL AUDIT

**Mr Michael Gravelle (Thunder Bay-Superior North):** I have a petition sent to me by the Lakehead Social Planning Council calling on the province to conduct a social audit.

"To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government has undertaken a massive reform of the way social service programs are managed and delivered in this province; and

"Whereas the government's language, actions and policies over the last six years have reinforced the worst kind of stereotypes about people on social assistance without offering Ontarians any proof that the policies they've put in place are meeting the needs of those whose circumstances have forced them to seek temporary assistance from Ontario's social safety net; and

"Whereas this government when challenged on how well their Ontario Works programs are working, points to welfare caseload numbers as their one and only measurement of success or failure; and

"Whereas a social audit would determine how this government's policies are impacting on low-income children and families and allow for enhancements to improve the well-being, employability and economic security of individuals and families in need;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to demand that the government of Ontario conduct a social audit of its Ontario Works program."

I'll be doing a private member's resolution tomorrow morning calling for this in the House, and I'm very pleased to sign this petition as well.

#### OHIP SERVICES

**Mr Gilles Bisson (Timmins-James Bay):** So many petitions. Same subject but a different petition, this time from this community in around Kapuskasing, and it reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing losses; and

"Whereas these restriction will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercises; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, nerve therapy stimulation and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have detrimental effects on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I affix my signature to that petition.

## ORDERS OF THE DAY

### FOOD SAFETY

#### AND QUALITY ACT, 2001

#### LOI DE 2001 SUR LA QUALITÉ ET LA SALUBRITÉ DES ALIMENTS

Resuming the debate adjourned on October 9, 2001, on the motion for second reading of Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts / Projet de loi 87, Loi visant à réglementer la qualité et la salubrité des aliments, à apporter des modifications complémentaires à d'autres lois et à en abroger d'autres.

**The Speaker (Hon Gary Carr):** Pursuant to the order of the House dated October 15, 2001, I'm now required to put the question.

Mr Coburn has moved second reading of Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1508 to 1513.*

**The Speaker:** Will members kindly take their seats, please.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Jackson, Cameron	Sampson, Rob
Baird, John R.	Johns, Helen	Snobelen, John
Barrett, Toby	Johnson, Bert	Spina, Joseph
Beaubien, Marcel	Kells, Morley	Sterling, Norman W.
Clark, Brad	Klees, Frank	Stewart, R. Gary
Clement, Tony	Martiniuk, Gerry	Stockwell, Chris
Coburn, Brian	Maves, Bart	Tascona, Joseph N.
Dunlop, Garfield	Mazzilli, Frank	Tilson, David
Ecker, Janet	Miller, Norm	Tsubouchi, David H.
Elliott, Brenda	Molinari, Tina R.	Turnbull, David
Galt, Doug	Munro, Julia	Wettlaufer, Wayne
Gill, Raminder	Mushinski, Marilyn	Wilson, Jim

Hardeman, Ernie  
Harris, Michael D.  
Hodgson, Chris  
Hudak, Tim

Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.

Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Speaker:** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Boyer, Claudette  
Bradley, James J.  
Brown, Michael A.  
Bryant, Michael  
Caplan, David  
Churley, Marilyn  
Colle, Mike  
Crozier, Bruce  
Di Cocco, Caroline  
Dombrowsky, Leona

Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Hoy, Pat  
Kennedy, Gerard  
Kormos, Peter  
Kwinter, Monte  
Lalonde, Jean-Marc  
Marchese, Rosario  
Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLeod, Lyn  
McMeekin, Ted  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony  
Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 47; the nays are 37.

**The Speaker:** I declare the motion carried. Pursuant to the order of the House dated October 15, 2001, the bill is ordered referred to the standing committee on justice and social policy.

#### IMPROVING CUSTOMER SERVICE FOR ROAD USERS ACT, 2001

#### LOI DE 2001 SUR L'AMÉLIORATION DES SERVICES À LA CLIENTÈLE OFFERTS AUX USAGERS DE LA ROUTE

Resuming the debate adjourned on October 3, 2001, on the motion for second reading of Bill 65, An Act to permit the Minister of Transportation to delegate to persons in the private sector powers and duties and responsibilities to deliver services relating to road user programs / Projet de loi 65, Loi permettant au ministre des Transports de déléguer à des personnes du secteur privé des pouvoirs, des fonctions et des responsabilités pour fournir des services liés aux programmes à l'intention des usagers de la route.

**The Speaker (Hon Gary Carr):** Pursuant to the order of the House dated October 16, 2001, I'm now required to put the question.

Mr Turnbull has moved second reading of Bill 65, An Act to permit the Minister of Transportation to delegate to persons in the private sector powers and duties and responsibilities to deliver services relating to road user programs.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1518 to 1523.*



**The Speaker:** All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Jackson, Cameron
Baird, John R.	Johns, Helen
Barrett, Toby	Johnson, Bert
Beaubien, Marcel	Kells, Morley
Clark, Brad	Klees, Frank
Clement, Tony	Martiniuk, Gerry
Coburn, Brian	Maves, Bart
Dunlop, Garfield	Mazzilli, Frank
Ecker, Janet	Miller, Norm
Elliott, Brenda	Molinari, Tina R.
Galt, Doug	Munro, Julia
Gill, Raminder	Mushinski, Marilyn
Hardeman, Ernie	Newman, Dan
Harris, Michael D.	O'Toole, John
Hodgson, Chris	Ouellette, Jerry J.
Hudak, Tim	Runciman, Robert W.

Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

**The Speaker:** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Dombrowsky, Leona	McGuinty, Dalton
Bartolucci, Rick	Duncan, Dwight	McLeod, Lyn
Bisson, Gilles	Gerretsen, John	McMeekin, Ted
Boyer, Claudette	Gravelle, Michael	Parsons, Ernie
Bradley, James J.	Hoy, Pat	Patten, Richard
Brown, Michael A.	Kennedy, Gerard	Peters, Steve
Bryant, Michael	Kormos, Peter	Phillips, Gerry
Caplan, David	Kwinter, Monte	Prue, Michael
Churley, Marilyn	Lalonde, Jean-Marc	Pupatello, Sandra
Colle, Mike	Marchese, Rosario	Ramsay, David
Crozier, Bruce	Martel, Shelley	Ruprecht, Tony
Di Cocco, Caroline	Martin, Tony	Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 47; the nays are 36.

**The Speaker:** I declare the motion carried. Pursuant to the order of the House, the bill is ordered for third reading.

### ORDER OF BUSINESS

**Hon Janet Ecker (Minister of Education, Government House Leader):** I would like to ask for unanimous consent to move a motion regarding the terms of this afternoon's debate.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mrs Ecker:** I move that when G69 is called at orders of the day this afternoon:

That the remainder of the sessional day shall be spent debating the bill, at which time the Speaker shall put the question without further debate or amendment; and

That the vote may be deferred;

That, at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy;

That the standing committee on justice and social policy shall be authorized to meet in Toronto for one day for clause-by-clause consideration of the bill;

That the standing committee on justice and social policy shall report the bill back to the House not later than November 22, 2001.

**The Speaker:** Mrs Ecker moves that when G69 is called at orders of the day this afternoon—

**Interjection:** Dispense.

**The Speaker:** Dispensed.

Is it the pleasure of the House that the motion carry? Carried.

### PROHIBITING PROFITING FROM RECOUNTING CRIMES ACT, 2001

#### LOI DE 2001 INTERDISANT LES GAINS TIRÉS DU RÉCIT D'ACTES CRIMINELS

Resuming the debate adjourned on October 11, 2001 on the motion for second reading of Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime / Projet de loi 69, Loi visant à protéger les victimes en interdisant les gains tirés du récit d'actes criminels.

**The Speaker (Hon Gary Carr):** Further debate?

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: I stand to be corrected, but if I recall, I had just completed the leadoff and it would seem that the opportunity should now be put to members for their opportunity to pose questions and put comments.

**The Speaker:** The member is absolutely correct. It's questions and comments on the debate of the member for Niagara Centre.

**Mr James J. Bradley (St Catharines):** I listened with a good deal of interest to the member's discussion of the proceeds of crime legislation, and recognize that once again we need financial resources on the part of this government to be able to implement the provisions of this bill. The member sees a lot of flaws in it. I listened to his dissertation the other day, which was highly legalistic in certain parts, as it should be, and he discussed it in many aspects. But one of the things we find with all of this legislation is that it may look good on paper, but the government does not have the financial resources to be able to implement the provisions of the bill because the government is busy giving a \$2.2-billion tax cut to the corporations in this province, thereby depriving Ontario's representatives from having the necessary financial resources to implement this legislation.

It's similar to questions in the House today, if I can draw an analogy that I know the member would want me to. Here we have the Ministry of Health firing five of its top scientists today in order to save money. What is it saving that money for? It's saving that money so it can give money to corporations, a \$2.2-billion tax cut—a tax gift to the corporations of this province. Therefore, we're firing—at least the Minister of Health, the Honourable Tony Clement, is—five of the top scientists who could help us deal with the bioterrorism threat in Ontario.

I know if the member from Niagara Centre had been aware of that at that time, he would have incorporated that as part of his personal remarks on this piece of legislation.

1530

**Mr Gilles Bisson (Timmins-James Bay):** That proves that the member for St Catharines is never stuck for words.

With regard to the speech made by my good friend Peter Kormos, our justice critic on this particular bill, I just wanted to bring back one of the points he made, and I think it's a very important one. If you remember, there was a gentleman of this assembly by the name of Cam Jackson who introduced a bill in this House in the time of Bob Rae's government that basically dealt with this issue. It basically said that if someone is out there trying to make money by writing a book about their criminal activities, the money should at least go to the victims and the family of the victims directly, in order to make sure that nobody really profits out of this, so that the person who writes the book makes no money. If any money is made, it shouldn't go to the government but it should go directly to the victim or the victim's family.

I just want to read into the record what Cam Jackson said at the time about the then Premier: "I cannot tell you how very pleased I am that the Premier has assisted in allowing Ontario to be the very first province in Canada to take this initiative and to show that leadership." Who was he talking about? He was talking about Bob Rae. I know my good friend Peter Kormos would want me to mention that. Then he goes on to say, "I want to thank my leader, Mike Harris, who has consistently supported me," concerning my advocacy for victims' rights in the province of Ontario on this particular issue.

I think it's rather interesting that we now find ourselves in the situation where Mr Jackson's Premier has introduced a bill that effectively guts his bill, because the bill we now have before us basically does away with the Cam Jackson bill and says that if any profits are made by the writing of a book, the money may go to the victim or anyone that the government chooses should get the money. In other words, they can direct it to general revenue or wherever they want.

My point would be that it's a sorry day for Mr Jackson now that the Premier has decided to override his bill by introducing a government bill that basically guts his.

**Hon David Young (Attorney General, minister responsible for native affairs):** I appreciate having an opportunity to respond to what the member opposite had to say, both today and on the earlier day that this important bill was debated in this assembly. Let's be clear: Mr Jackson's bill represented a very innovative and, frankly, unprecedented step forward on behalf of victims across this province. He is to be applauded, as he was at the time, for what he did.

My friends on the other side of this Legislature appear to have the impression that regardless of what bill is tabled by the government, they must be against it, even if it's an improvement and another step down the road that

helps victims. Let me explain to the members opposite, if they'd care to listen for just a moment about a bill that really shouldn't be the subject matter of partisan party politics, that this bill provides for enhanced enforcement, and it has a broader group of individuals who are obliged to report this activity. The activity we're talking about—let's be really clear—is people—publishers, media, television, radio—assisting criminals in the revictimization of victims, the recanting, the retelling of horrific stories and making money off it. This bill will stop that.

It will include a larger group of people who are obliged to report. It will include mechanisms that will allow for enforcement. It will preclude and remove the necessity of victims and their families having to fund court cases, which is the case now if this bill doesn't pass, and live through the experience of the court case, again being revictimized. Surely the members opposite can put aside their petty parochial partisan politics long enough to help a larger group of victims. That's what this is about, and they should stand and say they're in favour of that or they're against it.

**The Speaker:** Further questions and comments?

**Mr Dominic Agostino (Hamilton East):** First of all, I listened with interest to Mr Bisson's comments. I'm just not quite sure if Mr Kormos probably felt the same warm and fuzzy feeling about Cam Jackson's endorsement of Bob Rae as many of us have here in the House, but I'll let them debate that.

When it comes to the bill, basically what you've done here is modify the existing legislation that is in place. Really it doesn't add a great deal to what was already there. We talked about Cam Jackson's bill; we've talked about the work that the NDP has done. Basically this legislation was introduced already. They finally decided to bring it back in this session.

It's part of the government's ongoing attempt to pretend that they're tough on crime and tough on criminals in this province, when the real record shows the total opposite of that when you look at their dismal failure when it comes to dealing with domestic violence, when you look at their record on gun control. This is a government that believes a gun registry is a bad thing. This is a government that believes that it's not in the best interests of Ontarians to have some control and a registry, an idea of who has weapons where in the province of Ontario. This is a government that allowed 12-year-old kids to go hunting and have hunting guns. So when you look at their track record when it comes to violence and crime, it really is all talk.

Let me say to you, Speaker, the real effort on crime control has been coming from this side of the House. It's been bills introduced by Michael Bryant on replica guns. It's been bills introduced by Rick Bartolucci on prostitution that the government has finally seen the light to adopt. So we're certainly not going to take any lectures from that side of the House on being tough on crime.

Frankly, this government likes to talk the talk when it comes to being tough on crime. They don't put the resources into it. We have fewer police officers on the



streets today than we did when this government took office in 1995. That is the reality. That is the record of this government that pounds its chest and says, "We're tough on crime." If you look at their record, it's a dismal record. They're not tough on crime. They're great at spinning a line but they're certainly not walking the walk when it comes to resources, money and support that's out there to fight crime.

**Mr Kormos:** The Attorney General, with incredible petulance, stands up and tries laying this line on the Legislature that if you're not with them, somehow you're for the forces of evil and you're there with the criminals and the bad guys and the rapists and the murderers. I say, look, Attorney General, understand that in this Parliament there's got to be debate. Your members may not want to participate in the debate. We are, in the New Democratic Party, feeling compelled to participate in this debate.

The reality is that the Jackson bill encompasses a broader range of crimes in terms of the people whose recounting of those crimes would result in the proceeds being seized. The reality is that the purpose of this type of legislation, first of all, is to create a disincentive for the criminal from recounting that crime. Two, we understand that the Jackson bill, 1994, has not been utilized once in any recorded or observed or noted occasion. Three, it should be designed, as the Jackson bill is, to ensure that any proceeds obtained by the criminal in the recounting of his crime flow directly to that criminal's victims. This bill does the very specific opposite.

I've indicated to you from the very beginning that of course we agree with the concept that criminals shouldn't profit from the recounting of crime. I've told you from the very beginning that we believe very much that victims should be the beneficiaries of any profits that should be paid to a criminal for the recounting of his or her crime. That's why we supported and believed in the Jackson bill in 1994 and that's why, when I indicated to you last week our position on this bill, I indicated that we support the philosophy very much that victims should get those proceeds. That's why we insist that the bill that should be before this Legislature is the Jackson bill for amendments, if you indeed feel it has shortcomings.

We're not going to collaborate with you in any fraud upon the public about this government's commitment to victims, because this government has been betrayed as having no commitment to victims in this province; witness Judge Day's ruling on this government's Victims' Bill of Rights. This government's position is a fraud.

**The Speaker:** Further debate?

**Mr Steve Peters (Elgin-Middlesex-London):** The opening comment that I would like to make is that the Attorney General just alluded to the fact of partisanship being played with this bill. I want to go on the record in the beginning to say that the Liberal Party is not playing partisan politics with this piece of legislation that's in front of us today, that we are supporting this bill. Unfortunately, it's something we don't see often enough

in this Legislature: legislation being introduced that does have support from the opposition.

**1540**

First and foremost, I think we need to say that crime does not pay and should not pay, and that it's incumbent on every one of us in this Legislature to do everything we possibly can to ensure that in no way, shape or form can anybody who commits a criminal act in some way profit from that. We need too to do everything in our power to ensure that we are there supporting the victims of crime and do everything we can so that we don't put roadblocks in front of them, that we do work toward assisting them.

We've seen instances in this province where individuals have wanted to profit from crimes, and we need to ensure that doesn't happen. What is troubling about the piece of legislation we have in front of us this evening is that we don't recognize the efforts of the Honourable Mr Jackson in 1994 with a private member's piece of legislation that received unanimous support of this Legislature. The legislation that Mr Jackson put forward was a law that would prohibit criminals from profiting from recounting their crimes. It's interesting, though, that that is, and was, a prohibition that already existed in common law.

Why would we rework a piece of legislation that is already on the books and have in front of us this Bill 69 when something was already on the books? We could have had the opportunity as legislators, if the government felt there was a need to improve on the legislation that had been unanimously agreed to in this Legislature in 1994—if there were improvements to be made, why wouldn't the government come forth with amendments? That's the responsible thing to do for any one of us in this Legislature; that if there is something wrong with a piece of legislation, amendments come forward. Given the demonstration of the support for that legislation in 1994, had there been amendments come forward to help strengthen that legislation, they would have received support in this Legislature.

We need to recognize some of the issues that victims face in this province. Prior to my arrival in the Legislature, we saw the introduction and the passage of the Victims' Bill of Rights that was introduced by this government. But what we saw is that unfortunately it was a piece of legislation that was put forward but was toothless. It didn't serve the purpose that it was intended to. It was pointed out very clearly in 1999 by Mr Justice Day of the Ontario Court, who described the Victims' Bill of Rights as follows: "The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

So how can an initiative that is put forward in 1996—and the intent is that this legislation is going to help support the Victims' Bill of Rights, when the Victims' Bill of Rights doesn't stand up in the eyes of the court.

I think it's a government we see that over and over again likes to profess their support for law and order and their support for the security of the public. But I want it

to be known that Dalton McGuinty and the Liberal Party feel the same way, that we need to do everything we can to ensure the security of the people of this province and do everything we can to support individuals who are victims of crime.

I can relate to a couple of situations in my own constituency where families who are victims of crime have not received the support of this government. I can cite a case that I've raised in this Legislature on previous occasions, the situation of a constituent of mine named Brian Crocker, who was shot in the chest. The individual who perpetrated that crime was found not criminally responsible and was placed in a forensic institution.

But the issue, how this government failed the Crocker family, is just mind-boggling. First, the government supports bringing this individual back to an institution that's located less than two kilometres from their home, the Crocker family being given very little input—actually no input—into the decision-making process. But fortunately, in raising the issue in the Legislature, the Crockers didn't have to endure the fact that the individual responsible would be back in their own backyard.

But now again, the Crockers are having to fight. The Crockers, as victims, are having to fight a bureaucracy where a decision is made to move the perpetrator of the crime from one institution to another. Do the Crockers receive notice? Do the victims receive notice of this transfer of the individual? No, they don't. So I cite one case where victims of crime have been let down by this government.

There's another situation in my own riding. I spoke as recently as last week with a lady by the name of Helen Jacklin. Helen is the daughter of the former Premier of this province, Mitch Hepburn. Helen's family faced a terrible tragedy well over 25 years ago. What has been extremely disappointing, from my perspective, and sad for this family, is that for 25 years they have tried to stay on top of the issue and make sure that they would have the opportunity to have some input into what was going to happen to the individual who committed those crimes, where that individual was going to go. It has been a constant struggle for the Jacklin family. It's a struggle that still continues to this day, the Jacklins trying to fight this situation. I believe it's either today or tomorrow that Mrs Jacklin is going to be appearing before a committee to express the frustration that her family has faced for the past 25 years in dealing with this criminal and the lack of input that they have had as a family.

1550

But I think it's important to recognize too that the Liberal Party and Dalton McGuinty have made it clear that we will stand up for victims in this province. Dalton demonstrated that almost a year ago, on October 11, 2000, when, through his persistent lobbying efforts, he forced the government to give four families who were victims of the Ottawa transport shooting \$100,000. The government had initially refused to make these payments, but through the tenacity and persistence of Dalton

McGuinty, who is prepared to stand up for people, the government reversed its decision.

I think too you look at the efforts of Rick Bartolucci. Rick, our member from Sudbury, with the full support of Dalton McGuinty and the Liberal caucus, has done everything in his power to introduce legislation to protect children from sexual predators. Bartolucci's efforts are to be commended.

I think what I'm trying to demonstrate here is that as much as we hear a government stand up and say how tough they are on crime and law and order, in the majority of cases it's fluff. We are prepared to stand up for real people and look out for the interests of real people.

When you look at some of the issues that are going on in this province right now—and there are many issues of individuals who are facing extreme hardship as a result of the decision-making of this government—the Liberals have been there to stand up for them.

I want to cite a case that has come up in my own backyard right now, where there are a number of victims, young children and adults, as a result of a decision made by the board of governors of the London Health Sciences Centre. As a result of the funding cuts and the stress this government has put on the hospital, the hospital board has made a decision to cancel 18 programs. And what is this government doing? They're taking away programs in their own backyard and are going to force families and children to travel to Hamilton or Toronto. Yet we see as recently as today a young family who tried to go to Toronto and to Hamilton for pediatric services and couldn't do it. Do you know where they had to get those services? They went to London. I draw the parallels that these families and children are victims of mismanagement by this government.

I think there are other victims of initiatives that have been put forth by this government and forced on to the London Health Sciences Centre, where you have a heart replacement program that is state-of-the-art—we witnessed ground-breaking efforts in London—and this program is being cut, a program that actually makes the hospital money. We see another program, the endovascular surgical aneurysm program, that is being cut, and, again, more victims as a result of the actions of this government. This is a program that has saved countless lives, yet this government chooses to cut it; a program, unfortunately, that was misrepresented in the presentation to the board of governors.

We see another decision dealing with the burn unit. We're seeing the burn unit closed at the hospital. We saw the tragedy of a young lady this past summer from the Kincardine area who was burned in a fire, yet there was no room, no bed for her in London, no bed for her in Toronto, no bed for her in Hamilton, and we had to send her to Rochester, New York, yet we want to cut out this program in London. I think that is extremely short-sighted. I urge the Minister of Health and my colleagues on the opposite side who represent London—I urge all those members who represent at least 10 counties in southwestern Ontario—to start to speak up for these



victims and ask why these programs are being cut. These programs are being cut because of this government.

I want it known that Dalton McGuinty is extremely concerned about what's going on. That's why Dalton is going to London tomorrow, first, to meet with the hospital officials, but then to sit down and talk to the real victims, the people who have to deal with these things on a day-to-day basis, and that's the families and the children. Then he's going to meet with the doctors. Obviously, when this decision is made at a hospital in London, they don't listen to the doctors. They actually have gag orders placed on them, but what we've witnessed is doctors speaking up, doctors speaking out because they know this is an irresponsible decision that has been made, a decision made without all the facts being placed in front of the board members. I want it known that McGuinty and the Liberal Party are going to stand up for these people in London.

One of the things we've seen lacking in this province is the resources being put into the Victims' Bill of Rights and the resources put forth for the police services, to ensure that individuals don't profit from a crime they've committed. The initiatives on this are good, and had they amended Mr Jackson's legislation, we could have seen many more positive things. All we're seeing in this legislation is streamlining a process to get money back to the victims. A victim will no longer have to launch a civil proceeding to get access to money paid to a convicted offender for recounting his crime. What is positive here is that the government will be responsible for acting on the victim's behalf. That's a good step. I urge the government to ensure the resources are put there for families. It's of extreme importance to have those resources there.

As we see with so many pieces of legislation in this place, we don't have the regulations in front of us. I understand that process, but I would hope that the government would consult with victims when this legislation is passed, and it will be passed by this Legislature, and that there is input into the development of the regulations.

This is a non-partisan bill. There are some issues we're going to take exception to, of course. That's healthy in a democracy. But we recognize that we need to do everything we can to help victims of crime in this province, and this piece of legislation is a step forward. It is a piece of legislation that I will be supporting. It's also important to put on the record that we will continue to advocate for victims in this province. We need to continue to do everything we can to support victims in this province. I can assure you that Dalton McGuinty and the Liberal Party will be there to offer that support for victims.

**The Acting Speaker (Mr Bert Johnson):** Comments and questions?

1600

**Ms Shelley Martel (Nickel Belt):** I want to reinforce our own concern that what we should be doing here today in this House is amending the Jackson bill. Instead we are here with a government that's trying to pretend

it's doing something for victims through this bill when this government is not.

I have heard the minister and some of the backbenchers on more than one occasion now trying to tell the viewing public that in fact their bill somehow guarantees that victims of crime would get proceeds from documents, books etc published by criminals. I want to point out again that that is not true, and go right to the heart of the legislation itself.

If you go to the Jackson bill, under section 6, "Payment to victim," it says very clearly, "The public guardian and trustee shall pay the amount necessary to satisfy the award of judgment and costs in accordance with this section," and further on, with respect to additional funds that might flow, they flow to the victim as well. Again it says, "If the public guardian and trustee receives additional money under section 2 after making a payment under this section, the public guardian and trustee shall pay the additional money to that victim...."

Look at the government bill under the section "Payments out of account." It says, "... if money is deposited in an account under subsection (1) in respect of a designated crime, the Minister of Finance may make payments out of the account...." It doesn't say "shall," it doesn't say how much, but "may." It's up to him. With respect to additional funds, it also says in this section that additional funds may be used for "such other purposes as are prescribed by the regulations." There are no guarantees that a single dime would go to a victim under the government's legislation, and that is a fact. That is why we are opposed, because the Jackson bill does at least that: it gets the money to the victims, where it should be going.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I would like to respond to the member for Elgin-Middlesex-London. He gave his support for the bill, although it appears it is reluctant support. He spent much time indicating his support for his leader and how wonderful his leader is, and I guess he's free to do that. He indicated how wonderful the member for Sudbury is, and I guess he's free to do that.

The issue of this bill—and it's a shame he didn't spend more time on the bill. To give credit to the NDP, I must say that at least they are dealing with the topic. I don't agree with what they say, but at least they're dealing with the topic.

Just to remind the member what this bill is about, it's to act as a deterrent for people who have committed serious crimes from writing about them or giving interviews about them or making movies about them and securing a profit from them. That's what it's all about: simply as a deterrent to stop them from doing that. I believe this bill will do that.

We've all heard of very serious crimes, and some of the other members have referred to those crimes. We're not going to refer to those individuals as well, because they shouldn't be referred to. They should be forever forgotten as to the terrible crimes they have committed and they shouldn't be given credit for anything. The

purpose of this bill is to stop these people from entering into a contract with any literary or media description where they would recall the crime and receive a benefit from that—documents that were used that may relate to the crime, they can't do that; any interviews with the convicted person about her crime, they can't do that; any appearance on a television or radio show by a convicted person, they can't do that either. That's what this bill is all about. I'm glad the Liberals are supporting it and I hope—

**The Acting Speaker:** Thank you. Comments and questions.

**Mr David Caplan (Don Valley East):** I want to congratulate the member for Elgin-Middlesex-London for his comments. I think he expressed things exceedingly well when he indicated that Bill 69 is yet another piece of legislation designed to make the people of Ontario believe that something is happening when in fact it follows the same pattern as other such bills.

I would cite, for example, the case of the so-called Victims' Bill of Rights. The Victims' Bill of Rights was a very interesting piece of legislation brought in by then-Attorney General Charles Harnick. When victims went to the courts to try to claim those rights, the government sent their lawyers in. Their lawyers argued that the Victims' Bill of Rights has no rights for victims, and in fact the court upheld the view of the government lawyers that that was so. Justice Day, in his 1999 decision, wrote the following: "The act"—referring to the Victims' Bill of Rights—"is a statement of principle and social policy, beguilingly clothed in the language of legislation." "Beguilingly" means an attempt to deceive. "It does not establish any statutory rights for the victims of crime," which was the line of argument that government lawyers paid for and sent by the Attorney General to the courts argued, and the courts agreed.

I think the member for Elgin-Middlesex-London points out very clearly that Bill 69 is another attempt to demonstrate that certain action will be taken when in fact it won't. This legislation, and especially subsection 9(3), which is permissive as opposed to prescriptive to allow the Attorney General to collect proceeds of crime and distribute them to victims, is way off base.

**Mr Kormos:** I have already spoken to the bill, so I only have two minutes to introduce Tony Martin, the member for Sault Ste Marie, who is going to be speaking next to this bill during the course of this debate. Tony Martin, I tell you, is going to address this from his very unique perspective as an advocate for some of the poorest people in this province.

Look, let's make something very clear. Nobody in this Legislature is condemning the principle of a criminal not being able to profit from his or her crime. What we're saying, though, is that if we're going to address it, let's do it right.

I say the right beginning was in 1994, when the NDP government passed the Cam Jackson bill, a Conservative backbench private member's bill of the day. That's one that covers all crimes, not just the designated crimes of

the Attorney General's Bill 69—one big distinction; two, that ensures that the victim has first crack at those proceeds, those profits that a criminal might enjoy as a result of recounting his or her crime. The government's bill leaves it to the discretion of the government. The minister "may" use the proceeds of a given crime to compensate that victim, another victim or no victims at all. We find that a repugnant proposition. We find that a proposition that trivializes victims, that betrays once again this government's abandonment of real victims' rights, and also a bill that simply doesn't understand the issues.

The Jackson bill hasn't been utilized once. That doesn't mean it shouldn't be there. The Jackson bill should be improved upon. The Jackson bill is the right foundation to develop a proper compensatory scheme for victims whose perpetrators profit from that crime. We will not be supporting Bill 69 because it repeals the Jackson bill; it kills the Jackson bill. That's plain wrong.

**The Acting Speaker:** The member's time has expired. The member for Elgin-Middlesex-London has two minutes to respond.

The Chair recognizes the member for Sault Ste Marie on a point of order.

**Mr Tony Martin (Sault Ste Marie):** I was just inquiring, Speaker, as to the presence of quorum in the House.

**The Acting Speaker:** Would you check and see if there's a quorum present.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** Thank you. The member for Elgin-Middlesex-London has two minutes to respond.

**Mr Peters:** I'd like to take this opportunity to thank the member for Nickel Belt, the member for Dufferin-Peel-Wellington-Grey, the member for Don Valley East and the member for Niagara Centre for their comments.

I would just like to say in particular to the member for Dufferin-Peel-Wellington-Grey that our support for this legislation isn't reluctant. What we do question is why the government wouldn't have amended Mr Jackson's 1994 legislation to strengthen that legislation and make it better and then, more importantly, let this House deal with real pieces of legislation that are going to be in the best interests of the citizens of Ontario. Better yet, let's have that discussion around this legislative chamber as to how we can better find resources to help victims of crime in this province.

1610

It's interesting to note, unless something has changed, that we have a government, at least in my understanding, that is not even going to speak to this legislation. They should be speaking up for victims of crime in this province, but they're going to let the legislation ride the way that it is. Let's hear some true-life stories of how your members are going to speak up for victims of crime in this province.



I'd like to go on record as saying I don't have a problem mentioning the name of my leader in this Legislature, because I'm proud of the work Dalton McGuinty has done in this province in standing up for victims of crime. I want to assure you that McGuinty and every member of this Liberal caucus here are going to continue to stand up to keep this government accountable.

**The Acting Speaker:** The member's time has expired. Further debate?

**Mr Ernie Parsons (Prince Edward-Hastings):** One of the difficulties of speaking to this bill, as has been mentioned by the previous two speakers, is the title, An Act to protect victims by prohibiting profiting from recounting of crime. Certainly we agree with that. The reality of the bill, though, is that it really doesn't accomplish much for victims that isn't already there. From this government's viewpoint, the interest is not in the wording in the bill; the interest is the publicity that comes with that title. That's a good political title to sell out on the streets. They appear to be doing something for victims, but there really is no dramatic change within this bill.

Certainly the bill is right in theory, and certainly I'm pleased to support the bill, but one doesn't have to be a rocket scientist, if there is such a thing any more, to realize—

**Interjection:** They would have fired them.

**Mr Parsons:** Yes, this government would have fired them, though there is some understanding on my part that this government is committed to a space program and pledges to have the first person on the sun by 2002.

Now, with this bill, I agree that it is wrong in any way, shape or form to have criminals, to have offenders, to have abusers profit from the proceeds of their crime. Indeed, I do struggle personally at times with even the publishing of some of these things that have happened. I certainly don't favour censorship, but I struggle at times where the line is between informing the public and the downside of it actually inciting individuals to take and copy and to repeat that crime or to use a similar method for a crime. So I have some personal struggles with the practice of giving every piece of information to the public on every crime, because unfortunately history, particularly recent history, has shown us that there are some susceptible and weak individuals who will latch on to a crime, want the publicity that came with the original offender and want to replicate it. I think that's very unfortunate, and there needs to be some way to deal with that.

But the province itself has had a very poor track record of dealing with victims of abuse. I'm thinking particularly of children. I look at the Dionne quintuplets and all of the money that was made by this province, by the Ontario government at that time, off these young women who were obviously victimized, were treated as a sideshow, were put on display. Everyone received money except them. In fact, a trust fund that was set up for them was, by and large, used by the government rather than by

them. Yet when it came time for justice on that, when it came time for them to receive some of the compensation and some of the money back they're entitled to, unfortunately, it was only the wide publicity that resulted in their seeing any justice, because this government fought and opposed them getting a fair settlement for all they had been put through. So that removes for me, in some sense, the right of this government to be an example.

Another black mark that exists for this province has been the numerous residential schools that have existed within Ontario. We have seen them for a multitude of reasons. We have seen them because of individuals who are deaf, individuals who are blind, and we have seen them because of individuals who were a different culture from us. I think of the First Nations, where we took children from their parents in the very naive and wrong belief that to make them part of our culture was to make them better, when in fact we now know better. That constitutes, for me, abuse of children. I think of the numerous Indian children who were forced to go through the schools that the province operated, where it appears that the primary reason for it was to attempt to get rid of their culture, and where we now recognize our obligation was to reinforce their culture.

But the one issue that is very close to my heart right now is the issue of how this government has protected victims of abuse at schools for the deaf. Within my community is Sir James Whitney School for the Deaf. It has operated under various names over the years. It was the only school for the deaf at one time in all of Ontario. So the children were brought, literally by plane or by train or by bus, from all over Ontario to attend this school. Some were able to go home on the weekends, but the vast majority actually stayed there, sometimes for a whole semester, from September to Christmas, and then would be able to return home.

These schools were staffed by wonderful individuals, by and large, who did a great job of providing these children with the skills that were required so they could communicate with each other and in theory communicate with the rest of society, although I think we as a society have done a very poor job of making ourselves open to communicating back with them. Unfortunately, because the people who work at these schools are humans, there was a time when some of them abused the children; not significant numbers, but they abused the children.

It became apparent in approximately 1994 or 1995 that there was a large number of victims in this province, of varying age, but by and large children who had been at Sir James Whitney quite some years ago. They had been abused in various forms, and this government was made aware of that.

Now, obviously there should be nothing of greater importance to a government than to protect the most vulnerable citizens. I would suggest you could not find much more vulnerable citizens than these deaf individuals.

Now, they responded by setting up a process. We love that word "process." Once we start talking about a process, the problem is half solved; unfortunately, that's not true. But from the government viewpoint, put in place a process and everything is going to be hunky-dory fine.

This process provided for compensation up to a total of \$8 million. Where that number came from, no one seems to know. Was it an arbitrary number selected because that happened to fit within the budget? I suspect that's the case, but we really don't know.

They then set up a process so that people who believed they were victims at that school could file a claim for compensation. Now, they did that, at least those who knew about it did that. Because you see, because Sir James Whitney was a school that served all of the province, the people who were potential victims were not only all over Ontario but indeed had moved to various parts of the world. So there was some difficulty for them to find out that in fact this process existed.

For the students at the school for the deaf, I naively believed at one time that with the sign language, they were simply taking English and translating it into a hand motion. The reality is that it is quite a diverse and separate language. Significant numbers of people who are deaf and graduated from our schools for the deaf are illiterate in English. That should be our shame.

So for an individual who is deaf, an announcement on the radio that there is a process meant absolutely nothing, the ability to read it in the newspaper meant absolutely nothing. But there still may have been a way to communicate to them. However, for some reason, this government chose to not even so much as issue a press release on this program for victims of crime; not even a press release. A government that normally announces a sod-turning 18 different times didn't put out as much as one press release on it.

In the process they set up to deal with the victims at the school for the deaf, you would think they would call it something like the "compensation for the deaf" process. No, they called it the "alternate dispute resolution" process. I don't know what that means, and I almost suspect that it was intended that anyone reading that wouldn't know exactly what it means. So many of the victims were never aware of their eligibility to submit a claim.

1620

Here's how the process worked for those who did submit the claim: if they submitted the claim, it went to an individual who made a decision as to how much compensation they should receive. You would think—a normal person would think—that when a claim was submitted saying that Mr X, Ms Y or whatever number of individuals committed this act, one of things they would do would be to go investigate and determine whether there in fact was validity to that story. Because sometimes people don't remember an incident right. Sometimes people say things that aren't true. That's the reality of humans. So you would think that when they submitted the claim, part of the process would involve

meeting with the person who was named—the accused—and hearing their version of the story, and then determining whether there should be further investigation or not.

Did that happen? No, not in many, many cases. In many cases, a cheque was written to the individual; the arbitrator decided this abuse was worth X dollars and they were sent a cheque. The person named as having committed the act forfeited any opportunity to give their version, to clear their name, to present in any way a case saying, "I didn't do it."

The process provided for people who were potentially, and I believe in some cases are, totally innocent to be named, and the letter that went with the cheque said that the government accepted the responsibility for that act that Mr X committed. Mr X wasn't even aware that there was a settlement being made in his name and had no opportunity to defend himself. Surely, the principle that one is innocent until proven guilty should have been in place on this. But no, this government did nothing to protect the rights of the innocent in this case.

As if that's not bad enough, there are other cases where individuals in fact were charged and convicted for abuse of a particular victim. That victim submitted a claim, and the government said, "That may be the case, but we won't even accept your claim because, although we didn't advertise it publicly, December 1999 was the cut-off date. So it doesn't matter what happened to you; we're not going to accept your claim," which is intriguing to me because there is no statute of limitations on child abuse, particularly child sexual abuse. There's no limitation on prosecuting it, but there was a very short-term limitation imposed on compensation for being a victim. Although these people may have been victimized by staff at the schools, the government ultimately was responsible for that school and ultimately was responsible for doing the right thing. They decided to duck it in this case, and simply said to the victims, "Certainly your case is valid, but we're not going to pay it because it's after that date; and we spent all of the \$8 million." Again, I will reiterate: why is the total compensation worth \$8 million? The compensation should be based on what's fair and what's just.

We have a grave injustice done, potentially, to former staff members of the Sir James Whitney school, and we have a grave injustice done to individuals who are genuine victims but have had no opportunity to make a claim because—they say justice grinds slowly. Well, sometimes justice stops altogether when it gets to be December 1999 and the government doesn't want to carry a liability into the books for next year. That's the case at Sir James Whitney. However, the province operates two other schools for the deaf. They operate E.C. Drury school and they operate Robarts school in London. There were cases of abuse documented there. By "documented" I mean the courts convicted individuals for abuse of children. The province said, "We don't have a program to deal with abuse at these other two schools." So although there has been a crime



committed, the only group profiting from that crime, unfortunately, is the government, by their refusal to open up a process for what has happened at these other two schools. We know there are victims because there have been criminal convictions, obviously.

The reaction out of this government has been—and I would almost say flippantly—“Sue me.” So there are presently over 125 civil suits against this province to try to force the government to acknowledge that it had responsibility.

Try to imagine being a parent of one of these children: the struggle of adapting to the fact that they were deaf, the things that you’ve had to do within your own home and your own family, and the absolute concern that then arose when these children left their home to go and reside in a residential school. When our oldest son first went to university, I didn’t like driving him to university and leaving him there. You worry. It doesn’t matter what the age is, you worry about your children. For these families, the worry they must have had when their children went off to these residential schools—and maybe they wouldn’t see them for another four months. But they had the assurance of the government that, “We will look after them. We will assume not just the parenting role but a superparenting role. We will be the best parents and we will protect your children.” Well, they didn’t. Oh, they did in most cases, and I acknowledge that. Again, I express appreciation to the great staff that worked in these schools. But some of them did evil things, and the government that is responsible for protecting these children is also liable when they fail to live up to their duties.

But this government has chosen to profit from crime, so the only winner out of this is probably going to be the lawyers who are going to fight this. I fail to understand the difference between a child being abused at Sir James Whitney and a child being abused at E.C. Drury. Why a process—mind you, a bad process but a process—at one school and nothing at the other two?

I think it is a shame that a government that purports it wants to protect victims, a government that purports it wants to protect children, has absolutely turned its back on individuals. It isn’t just the money involved. In the settlements that were made in some of the cases there was an agreement in writing from the government that they would provide counselling to these victims. Counselling may not seem like a big deal to you and me. We can go to any Yellow Pages in the phone book and find a counsellor. For an individual who is deaf, who has had a traumatic experience and needs counselling, they need to find one of two things. They need to find a counsellor who can interpret and understand American Sign Language. That’s difficult. There are not many counsellors in Ontario who are also able to interpret in American Sign Language. The other option for the victim who requires counselling is to hire an interpreter to take with them to the counselling session. That’s not as good because they’re going to be talking about some details they probably don’t want to share with a third party.

Nevertheless, the only other recourse, failing the counsellor who can do the interpretation themselves, is to bring an interpreter with them. That costs money.

Many blind individuals—pardon me, not blind but deaf individuals; blind also in Ontario—receive Ontario disability support payments that give them at the very most about \$11,000 a year. Try and take that money and pay for accommodation, pay for food, pay for clothing and also at the same time pay for an interpreter for this counselling. They can’t do it. So the government, to its credit, said, as part of the settlement, “We’ll provide you with counselling in one form or another.” They signed that. That was part of the agreement. Once the agreements were all signed and everything was settled, the Ministry of Education said, “No, we’re not going to do it. We’re just simply not going to do it.” So there hasn’t been one minute of counselling provided, although the government has pledged in writing, in a settlement with victims, to provide it; they’ve refused to.

So here’s a bill that says the government is interested in protecting victims, making sure people don’t profit from it. The government is profiting from what it has done to these deaf victims across Ontario. Surely, if there is any sense of justice, they would reopen the issue—reopen it across all of Ontario—to give the people this government assumed a parenting role for what they’re entitled to. For most of us, the vast majority of people—and I can speak for myself. I don’t truly understand the trauma of being abused. I don’t know what it feels like, and I thank goodness for my parents that I don’t know that. But I’ve worked with individuals—we have foster children—who have been traumatized by the experience. They have lost their childhood and there need to be things done to help them get back on track and overcome the horrendous act.

1630

I say again that Bill 69 has a wonderful title. It is an act that needs to have a lot more teeth in it. There probably are better ways to do it. It’s an act, though, that I’ll support because it does no harm. It’s not going to hurt anybody. Sometimes that’s a crowning achievement for this government, and I’m pleased when they pass bills that aren’t going to hurt anyone. That’s maybe the best way to describe its success for me when a piece of legislation comes in, because with some of the acts, I look at them and try to determine how many people will actually get hurt. This one’s a nice, harmless one. Everyone agrees with it. We need more teeth in it. This one really simply reiterates civil rights that already exist.

As to whether it will ever get exercised, well, a government that forces abused, deaf individuals to go to court rather than doing the right thing—this goes along with it, that they’re going to take and force people into court, in all likelihood in a civil manner. I’m not sure this will ever be used. I wish it were useful. I hope it’s useful. I hope it works.

I’ll be supporting the bill, but I certainly hope the government pays some heed to what I’ve spoken about and says, “We not only want a glitzy title; we want to

genuinely solve the problems of the victims in this province.”

**The Acting Speaker:** Comments and questions?

**Ms Martel:** I want to reiterate that no one in this House believes anyone should benefit from a criminal act in terms of making money from that. That was certainly the premise of the 1994 bill put forward by Mr Jackson. We have also consistently said that the government bill, as proposed to us, actually provides for fewer guarantees and less protection and fewer benefits to victims than the Jackson bill.

I spoke earlier about my concern that the government bill does not guarantee a single dime would ever flow to a victim from someone who had profited from a crime. I made the case that in the Jackson bill that protection was there.

The second issue I want to raise has to do with who is covered, “who” meaning what criminals are covered in terms of crimes they commit and how they might benefit from that. If you look at the Jackson bill, he said very clearly the crime includes an alleged crime. It covered the waterfront and included everything, from the most heinous crimes, the most terrible crimes, to minor ones that people were still charged and convicted for, which could include shoplifting. Under any of those crimes, no criminal could make a profit from recounting the story of that particular crime.

The government bill, on the other hand, speaks of designated crimes. Granted, the designated crimes are the most heinous, but because they’re designated there’s a broad category of other crimes that are not included for the purposes of the bill. So people who are shoplifting and committing other acts that aren’t designated crimes in the bill could make money and those proceeds would never go to victims. They’re not covered.

I go back to our original point. We oppose this bill because we clearly believe that there’s no guarantee victims are going to get a penny under the government bill and that what we should be doing is taking a bill that has better protection, Cam Jackson’s bill, and amending that piece of legislation.

**Mr Tilson:** To the member from Prince Edward-Hastings: In many of his comments he talked about very serious incidents involving victims. He mentioned the five women up north—I assume that’s what he was referring to—he referred to residential schools, and he referred to a number of instances involving victims—all very serious issues.

This bill covers specifically the serious offences that are itemized in the bill, which would include some of the crimes he’s talking about, but not all of them because not all of those instances are necessarily crimes, when the perpetrators of any crime—the government will bring action on their behalf and will freeze the assets on their behalf, but the incidents he’s talking about might be damages that might have occurred. I assume he is referring to the Dionne quintuplets.

The issue it’s designed for is where someone commits a crime under the Criminal Code, specifically sexual

assault with or without a weapon, attempted sexual assault with or without a weapon, aggravated sexual assault—all violent, indictable offences carrying a sentence of five years or more—or a serious property offence under the Criminal Code. It’s designed for all of those offences. The people who commit those offences then can’t go and write a book, make a movie, give an interview, and be paid for it. We’re not going to allow that. That’s what it’s about.

I tend to agree with my friend from Prince Edward-Hastings who talks about the problems that many victims have, but the issues he’s talking about have nothing to do with this specific bill.

**The Acting Speaker:** Comments and questions?

**Mr John Gerretsen (Kingston and the Islands):** I would like to commend and compliment the member from Prince Edward-Hastings on bringing to light a very serious situation that occurred with respect to the children from the school for the deaf that’s located in Belleville. I think what he talked about is very relevant to a bill like this, because he talked about how the bureaucracy didn’t deal correctly with the political will to do something about a situation. In other words, I assume in that case a policy was made by cabinet to deal with the abusive situations that occurred to many of the children who attended that school, and somehow the will of cabinet was frustrated by not giving notices to everyone that these rights existed, by not giving notices in a way that they could react to it.

This so often happens with bills that we pass here. They have the best of intentions at heart, but if the government isn’t willing to implement that bill in a constructive fashion so that the political will that is encompassed in that bill can actually help the people it’s intended to help, then nothing is accomplished.

I suggest to the member from Prince Edward-Hastings that he bring this matter once again to the attention of the Attorney General, because it absolutely cries out for justification. We should not allow the common retort of, “Well, we’ll be setting a dangerous precedent,” to delay the natural justice that is required in the kind of situations he described.

**The Acting Speaker:** Comments and questions? The Chair recognizes the member from Timmins-James Bay.

**Mr Bisson:** Hello. That’s the first time I’ve started a response that way. I thought I was answering the telephone. In this business, I’ve got to say, you deal with about 50 things at any one time and sometimes you can get mixed up with which one you’re doing.

I just want to say I listened intently to the comments made by the member. We need to make clear the point that it’s not the members of the opposition who are saying that we believe we should somehow make it easy for people who are trying to profit from their actions by writing whatever it is they’ve done in a book when it comes to a crime, such as a Paul Bernardo, as an example. We’re not saying that’s what should happen at all. What we’re saying is that Mr Cam Jackson, back in the 1990-95 session, introduced a private member’s bill



which was passed by the Legislative Assembly—at the time it was the NDP government that was in power—that basically said if a Paul Bernardo tries to write a book and tries to profit by way of his heinous crimes—and that's why that legislation was brought forward by Mr Jackson—the money would have to go to the victims' families.

We agree with that principle. There is nobody in the opposition and nobody in the government who believes that those people like Paul Bernardo should be the ones to benefit from the proceeds of their criminal actions. We're not saying that for one second. What we are saying is Cam Jackson got it right. There is a piece of legislation that says, as the member across the way says, that Paul Bernardo cannot benefit, and the money should go to the victims' families.

The legislation the government is now putting forward would weaken Mr Jackson's bill and would say that the money that is made from the sale of the book now would not necessarily go to the families but to whomever the government chooses. We're saying that's not right, that it's a weakening of already existing legislation.

1640

**The Acting Speaker:** The member for Prince Edward-Hastings has two minutes to respond.

**Mr Parsons:** I would like to thank the members for Dufferin-Peel-Wellington-Grey, Kingston and the Islands and Timmins-James Bay. The member for Timmins-James Bay said it perhaps better than I could, which is that we have absolutely no disagreement with you on victims of crime being compensated if an individual is sleazy enough to attempt to profit from the crime they've done; there's absolutely no question. My concern is that the government needs to have a leadership role, where they in fact are involved in it. I would feel better knowing that they were administering this bill if I saw some leadership from them on other issues.

The member for Kingston and the Islands rightly, and I appreciate it, suggested that I ask the government to reopen the issue. That has been done, some four months ago. I know that any day now I'll get a response to my letter, but it has not yet arrived. It's obviously still not a priority for them, because we're dealing with victims who are literally silent, who are deaf and unable to communicate without a great deal of difficulty. These are the people an extraordinary amount of energy should have gone to protecting—these victims—and not less than ordinary but more than ordinary.

My father used to say that although you can't always go by what someone says, you can always go by what they do. I look at what the government has done to protect victims. The answer for me too often is that we come up with very glitzy titles that sound very good in the media.

This is a bill that is going to be supported, but it's not the best bill. There has been a better bill put forward by a gentleman who's now a minister with the government. Surely the government should have some faith in their own members. There's a better bill on the books that

could have been resurrected and brought back, but they of little faith didn't accept the bill from their own member and have brought in a watered-down and diluted one. It will be supported, but it's not the bill it could have been.

**The Acting Speaker:** Further debate?

**Mr Martin:** Right up front I want to say that our caucus will not be supporting this bill. We don't know why we should support so much of the redundant initiative this government keeps bringing forward and calling work on behalf of the people of this province, when in fact your members and our members have made the case over the last couple of weeks, whenever this bill has come forward, that this bill isn't necessary.

This piece of business was covered effectively by one of their own members almost 10 years ago when he brought a private member's bill through this House that was approved unanimously at that time and taken out to the public for consultation. In those days we actually did that in a more meaningful and fulsome way and listened to people when they came forward to speak to us about pieces of legislation, understanding at the time that we didn't have all the answers. The member, Mr Jackson, who brought forth his bill understood that he didn't have all the answers, but that if we went out to the public, we would get a fuller understanding of the impact of the legislation.

He brought forward a bill that we in this place all agreed would do the trick and that has been working quite effectively over the last almost 10 years to that end. At that time the member, Mr Jackson, gave credit to a number of people, which this government is very reticent to do with the legislation it brings forward because it doesn't understand the communal or collective nature of the way this place should work. It has in very serious and significant ways reduced the opportunity in this place for people to participate in meaningful discussion, where people actually listen to each other and bring forward suggestions that would be good.

Mr Jackson, when he passed his bill, gave credit to work done previously by a member, Mr Renwick, of the New Democratic caucus, and then by Mr Wildman over a number of years, to try to put in place legislation such as the bill that he brought forward, and that this bill in fact redoes. It does change the nature of the bill in some smaller ways that in fact take away from its effectiveness, and I'll speak to that in just a second.

Mr Jackson went on in his comments to the Legislature back on December 8, 1994, to say, "I do want to indicate that although I tabled this bill or a form of this bill almost exactly five years ago tonight, in December 1989, I was very much moved and guided by the initial work of Mr Renwick and, by extension, Mr Wildman. Much of their work was reflected in the bill that I have had tabled in this House for those five years."

The question is, if this work has already been done, if in this Legislature the appropriate and acceptable consultation was done at that time, if there have been no complaints as to how Mr Jackson's bill has played itself

out in the public sector, why are we doing it? Why are we doing this bill? Why are we bringing it forward? Why is it before us here again this afternoon and over the last couple of weeks?

I suggest to you there are probably, among many others, at least three reasons. But before I get into those, I just want to say that if you want a fuller description and critique of this bill in all its glory, I simply suggest that you take a look at Hansard from a week or so ago when our critic, the member for Niagara Centre, Mr Kormos, did the leadoff. For an hour he took this piece of legislation section by section and spoke to it in some detail and clarity, and he put on the record some of the more logistical concerns we have with this bill and why it is that even though it is simply a replication of the bill Mr Jackson brought forward, it is in fact a poor replication and has in it some pieces that will take away from victims' ability to get the recompense they deserve.

The question I put before you just a few minutes ago was, why is it that this bill is before us today? Why is it that we're doing this piece of work yet again? I suggest to you it's one of three things: First, it's another of this government's hot-button issues, which they have become very good at. They have a series of them, and I'll talk to that in a minute, which they role out in times when they go down in the polls, when perhaps a minister is under attack for something they've said or done, or the government finds itself in need of something to do in this place.

The second reason I think this bill is before us is—and I said this the other night—it's a cash grab. They've changed this legislation—and I'll speak to that in a second as well—such that in fact there is now permission for this government to move some of the money out of this fund that was targeted simply and solely for victims and use it for other things. Why would they want to do that? Why would they need this little bit of money that's available to victims of crime for their own use to deliver programs that this government has the responsibility to deliver? It's very simple: they're out of money; they gave it all away with their income tax and corporate tax breaks. So they have no money left. Now that they're running into some very difficult economic times, they're looking everywhere. It's like the parent who goes to the child's room when they're in difficulty at the end of the month because they can't pay the bills and starts to rob the piggy bank. That's what they're doing here—they're robbing the piggy bank. They're shaking, jingling and jangling, emptying pockets, and this is one they found, I would guess, so they're going after it. People need to be aware of that.

1650

The third reason we're here this afternoon debating this piece of legislation is perhaps that the government just doesn't have anything else to do, has no more work that it feels is necessary. Given some of the Premier's comments yesterday as he announced that he was going to move on to other things in his life, that he had done everything he had come to Queen's Park to do and now

it's finished, maybe he was telling the truth, that there is nothing else they feel they need to do or have to do, and so they're buying time. They can't just not have the Legislature sit, because that would run up a red flag for everybody: what is the government doing in these very difficult times, economically? They would have to face the music out there in the public for that lack of participation, involvement and work on their behalf.

So there you have it. You can pick one of the three as it suits you, or two of the three, or all three, to explain why we are debating a bill that, for all intents and purposes, doesn't need to be debated. The area it covers is already covered by the work that Mr Jackson, built on the work by Mr Wildman and Mr Renwick, is already doing in this province.

Let's expand a bit on the three themes I have put out before you. What do we mean by "hot-button issue"? What we mean by "hot-button issue" is that every time this government finds itself in a spot of trouble, in need of raising their fortunes in the polls out there or of putting up a smokescreen to protect a cabinet minister or a member of government in circumstances where maybe something embarrassing has happened or has been said, we see this government trot out a hot-button issue.

We know what the hot buttons are in Ontario today. They certainly evolve around the issue of being tough on crime. This is an opportunity for the government to yet once again get up on its feet and talk about how it's going to be tough on crime by putting in place legislation that will stop perpetrators of crime from benefiting from the crime they have committed and then taking the money that is so gleaned and passing it on to the victims of crime. It's an admirable thing to be doing, I suppose. But when you see it done over and over and over again, ad nauseam, you wonder just when enough is enough. When do you get to a point where you've hammered that particular button or group of people to a point where there really is no value to society in continuing to do it any more? I think we have to ask ourselves that question.

Another group of people who get hammered consistently and repeatedly by this government are the poor, who find themselves waking up mornings in their homes to another announcement by this government that they're making a major change that's going to affect them dramatically and drastically in terms of their ability to look after the very basic needs they have—to pay the rent, put clothes on their backs, feed their children and get the childcare they need to help them get back into the workplace. The change they made to the ability of people to take out student loans at the same time they collect assistance to help pay for their children's food while they go to school, for example, ended up ultimately and tragically in the death of Kimberly Rogers in Sudbury. We have a very tragic end to this government continuing to bang on the hot button of beating up on poor people who happen to find themselves on assistance in this province.

It's just another example, and I think a perfect example, of the fact that at some point anybody



reasonable or intelligent or with a modicum of civic understanding of responsibility, of ethic or moral value, would understand that you've got to stop. You've got to stop or you're going to kill people. At some point, in a rich jurisdiction like Ontario, you have to ask the question: why is it that the presidents of big corporations—yes, who work hard, but who I don't think deserve in many instances the kinds of increases they get to their compensation by way of the decisions of a board of directors to their compensation or stock options, and by this government, by way of the changes they're making to the income tax laws that give them both corporate and income tax breaks that accrue to them in the millions of dollars, while at the same time continue to take away money from those who need it most, who from an economic perspective, if you want to look at it from that perspective, do more for communities to keep local domestic economies going than the presidents of banks will ever do, particularly in the environment we live in today where we know, particularly those of us who live in remote or northern parts of this province, that banks are pulling more and more out of the business of managing people's savings and money on a day-to-day basis and are more interested in investing the bigger dollars that go into things like mutual funds and the stock market.

It's just another hot-button issue, and the list goes on. They pick them. Teachers are another group that this government loves to bang on the head whenever they need to put up a smokescreen. Just this past week, when we already knew the government was out there preparing to test teachers even further in terms of their qualifications or their ability to teach, they announced that in the regulation they're going to bring forward they're going to allow parents and students to be involved in the evaluation of their performance.

When do you stop whacking teachers across the head with these issues and these hot buttons? When do we get to a point in this province when we leave some of those people alone and get on with the real issues that we as government should be dealing with, like, for example, the state of the economy at the moment? What is the government going to do? What strategy does the government have that it can bring out to us here in this place to debate that will respond directly and immediately to both the long-term and short-term challenges that everybody who is involved in any way in any economic activity in communities across this province knows we need to deal with, because the circumstances are becoming more and more critical as each day goes by?

That brings me to the second point I made, which is the cash grab for more money. The government across the way says, "No, that's not true," that in fact more people will get money because of the bill they're bringing forward. Well, our critic explains to me in some detail that that's not true. Jackson's bill allows action to be taken by victims in all situations where a crime has been committed. So what this government should be doing if it really wanted to be helpful is to make sure that

all victims of crime have the resources they need to sue so that they can get recompense for the damage that has been done and they can go after those people, whether now or in the future, who benefit from the proceeds of their crime by writing books or whatever.

This bill lays out or enlists or prescribes very specific crimes—mind you, some of the more serious crimes—and I don't disagree with that, but why limit it to those crimes? At the end of the day it means there will be a surplus in the fund eventually. This bill, when you stack it up against the Jackson bill, very simply says "may." There's the word "may" here. This money may be spent in a particular way to help victims of crime, but it may also be spent in other ways to help the government deal with some of the priorities they determine they need to pay for, particularly in the circumstance we find ourselves in now where they just don't have any money left.

It says in one section of the explanatory note, "The bill provides that money paid to the crown under an order made by the Superior Court of Justice, and other property forfeited to the crown under an order made by the court in respect of a designated crime and converted to money, must be paid into a special purpose account." This is the part that you need to pay attention to: "Payments may be made out of the account to compensate persons who suffered pecuniary or non-pecuniary losses as a result of the designated crime and for other specified purposes." This is where the government can come in and start to play their games and start shifting money around and spending it on those things that aren't related at all to the victims of crime but are more related to the priorities of this government. So it is a cash grab. The member will probably jump up as he did the other night and challenge me on that, but let's have that debate.

**1700**

The other point I made is that it may be that this government thinks it has nothing left to do. As I said earlier, we heard from the Premier yesterday when he announced he wasn't going to continue on in that role after a leadership convention by the governing party. He said it's because he's done everything that he set out to do, he completed his agenda, and he indicated to all of us that there was nothing left to do. That surprises me, particularly—

**Mr Gerretsen:** There's so much left to do.

**Mr Martin:** Absolutely. There's lots left to do when you look at the economy and the way it's beginning to fall apart and soften out there and the impact that's having on many of the communities we speak on behalf of and represent. We go back home and we talk to some of the small business entrepreneurs in our communities and we hear from them that things are getting pretty tough out there and that this government, somebody, needs to give some leadership where that is concerned, to come forward with an industrial strategy, with some capacity to deal with some of the very difficult challenges that we face on the economic front.

When you consider the downturn in the economy, when you consider that in some parts of this province, the north in particular, we have not benefited at all over the last five or six years in the good times that affected southern Ontario and some other parts of the province, and when you consider the effect of the September 11 event, you would think this government has more to do that is of priority than to bring forward a bill to debate and to take up the time of this House with business that's already covered by a member of their own caucus.

**The Acting Speaker:** Comments and questions.

**Mr Tilson:** To the member from Sault Ste Marie, I'd like to respond to his comment that this bill is simply a replication of Mr Jackson's bill.

Well, victims still can sue for the examples that have been given by particularly the NDP. They still can sue for those lesser offences. They can still sue for the shoplifting. I don't know how big a seller it would be but, to use their example, you still could write a book on shoplifting if you wished to. That isn't what this bill is doing. This bill is talking about the serious offences, and I've listed them in almost every two-minute response when I've stood up, so I won't do it again.

But I will say it does other things, just to respond to that comment that it's a replication of Mr Jackson's bill. If a publisher or other media company enters into a contract with a perpetrator of a serious crime, they have to report it. They must provide a copy of the contract and the names and addresses of the contracting parties in the agreement. They must report that, and if they don't do that, they could be fined under a provincial offence up to \$50,000. Not only that, but company officers and directors could be held personally liable for failing to report that contract. Perhaps he could respond to that, that we're taking it quite seriously as far as stopping these people from writing books about these serious crimes.

As well, there's a provision about seizing and freezing assets, which the member has not referred to. The government could apply to a court to freeze and seize the proceeds payable to a convicted criminal for recounting those crimes. All of those things are new and will be good for Ontario.

**Mr Gerretsen:** I found it kind of interesting that the member for Sault Ste Marie would say that this is a cash cow for the government. If their record is as good as it is on the implementation of the Jackson bill, we all know that no money has ever been received under that bill either because no prosecutions have been laid under that bill, and that was passed some seven or eight years ago.

I'll come back to a point that I made earlier today. Yes, we will support the bill. We think it has some serious flaws. We think, for example, that the money that's collected under the bill in a particular prosecution should go to the victims of the crime who were the subject of the prosecution. I totally agree with that. It should not just go to the victims of crime, because then it ends up in the general revenues of the province and it doesn't necessarily help the people who were hurt by the injustice that was committed. So we think that's an

improvement that can be made and hopefully that can be made once it goes to committee and amendments to the bill can be made.

But the point that I really want to make is quite simply this: it is great to pass all these bills, but it really doesn't mean anything if there's no enforcement of the bills. The Jackson bill that has been referred to in this House on a number of occasions is a perfect example. It was passed some seven years ago. There's never been a prosecution and there's never been a conviction under that bill. So I say to the government, at least when you pass this bill, take it seriously, give it to your crime commission, give it to your Attorney General—

**Mr Bradley:** The trench coats.

**Mr Gerretsen:** The trench coats, the crime commissioners all wear trench coats—and let's make sure that the bill gets enforced or else you're doing a disservice to the people of Ontario.

**Ms Martel:** I appreciated the comments made by my colleague from Sault Ste Marie. I know he ran out of time or he would have noted the same provisions that exist under the current law with respect to the obligation to put forward a contract and the same fine provisions that the government now puts forward as something new. I just heard the parliamentary assistant say, "Oh, we've got something new here. Do you know that a publisher is obligated to give a copy of the contract to the government to see what the details are?" Under the current law, under the Jackson bill, the obligation is as follows: "Each party to a written contract shall give a copy of it to the public guardian and trustee. Each of the parties to an oral contract shall reduce it to writing and give a copy to the public guardian and trustee." The provision is already there.

Second, payment to the public guardian and trustee, this provision is already in the current law: "A person who is required under a contract to pay money to the accused or convicted person or to a related person shall pay it instead to the public guardian and trustee."

Third, if you don't disclose that, there's already a fine of \$50,000 that you could pay. The current law says, under the section "Offence," subsection 2(6), "A person who fails to comply with this section is guilty of an offence and upon conviction is liable to a fine not exceeding \$50,000."

So it's clear, as my colleague from Sault Ste Marie said, that the protections are already in the current law. What the government refuses to admit publicly is that its proposal provides far less protection to victims of crime. In fact, in the government proposal there is no guarantee whatsoever that a victim of crime will see one red cent from the proceeds of a sale of a book, article etc from a criminal. There's not that guarantee anywhere in the government legislation.

**Mr Caplan:** I certainly want to recognize the critique that the member for Sault Ste Marie gave of Bill 69. He focused on many of the government inconsistencies in what they say and what appears in government legislation. He focused, I think very well, on subsection



9(3) of Bill 69, and I'll read it for the purposes of Hansard. It says:

"Subject to the regulations, if money is deposited in an account under subsection (1) in respect of a designated crime, the Minister of Finance may make payments out of the account for the following purposes," and it lists three purposes:

"1. To compensate persons who suffered pecuniary or non-pecuniary losses, including losses recoverable under part V of the Family Law Act, as a result of the crime.

"2. To assist victims of crime.

"3. If, according to the criteria prescribed by the regulations, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 and 2, such other purposes as are prescribed by the regulations."

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What this essentially means is that it's entirely at the discretion of the Attorney General whether or not he or she will wish to give victims of crime any monies if they are collected. That is a weakening of the existing laws, which compel the Attorney General—or compel when a civil action is launched, rather, to ensure that such funds are transferred to a victim of crime.

It's interesting when the government weakens provisions already existing in law and then tries to trumpet them as somehow they are doing something for victims of crime. I think that's unconscionable, and I think the member for Sault Ste Marie quite rightly points this out.

**The Acting Speaker:** The member for Sault Ste Marie has two minutes to respond.

**Mr Martin:** I want to first of all thank all those who participated in the debate here: the member for Dufferin-Peel-Wellington-Grey, the member for Kingston and the Islands, the member for Nickel Belt and, last but not least, the member for Don Valley East. I think it's so important that we have a discussion in this place about some of these things.

I want to say to the member for Dufferin-Peel-Wellington-Grey that he would serve himself and his caucus well to listen when the member for Nickel Belt retorts to every very focused and narrow criticism that he makes of the argument that we make that everything they're trying to do in this bill is covered under the Jackson bill, because it is. Read the Hansard of the member for Niagara Centre. Listen to the member from Nickel Belt when she speaks.

The member for Kingston and the Islands is absolutely right as well when he suggests that perhaps at this point this is not a cash grab, because we're not enforcing any of this legislation. We've wiped out whole realms of public service in this province, to the point where we can hardly enforce anything. If you look over the last few years in this province and recognize the kinds of things that people are now getting away with because we can't as a government enforce the law that we've passed here, I think it's shocking and shameful. That's something they could be bringing forward to this place that would be worth debating.

The member from Nickel Belt in her own very intelligent way is able to get up in this House and speak to very specific issues where this bill is concerned.

Of course, to the member for Don Valley East, I appreciate his support for the arguments that I made here.

I think that if the members across the way would simply listen once in a while instead of coming back constantly with the rhetoric that we continue to hear, we might get something of value done here.

**The Acting Speaker:** Further debate? The Chair recognizes the member for St Catharines.

*Applause.*

**Mr Bradley:** Thank you. Please, please. I am very pleased to acknowledge the bipartisan support for my remarks this afternoon.

**Mr Caplan:** Tripartisan.

**Mr Bradley:** Tripartisan in this particular case, as I notice the applause dies down.

I do want to actually speak partially to the bill today. I want to draw many analogies, mind you, but I still want to speak to the bill.

I want to say first of all that despite the fact that it has some flaws in it, the bill has enough in it that I believe we on this side of the House, at least in this party, should support the bill.

Now, many members have drawn the conclusion that there's not much difference between this bill and a private member's bill brought forward by the member for Burlington back in 1994. In fact, in one of the responses, the member for Sudbury East—now called Nickel Belt—indicated that much of what the parliamentary assistant said was new in the bill in fact wasn't quite as new as his notes told him it was. It reminded me of the movie *Back to the Future*, because in fact we're dealing with a piece of legislation that in effect isn't much different from the one in 1994. But be that as it may, as the lawyers say, I still believe it is worthy of at least the vote of our party. I know our members will discuss this, as they do at caucus, and make that kind of decision, but I think most of our members, in fact all our members, probably feel there's enough in this bill to merit our support.

I've said on many occasions that when the government brings in legislation, there has to be a base of financial support to be able to implement the bill. My worry is that the government is not going to have sufficient revenue to be able to implement this bill, and the reason is that they have chosen, first of all, to give a very generous tax cut, a tax gift, to the corporations of this province to the tune of \$2.2 billion. Because that revenue is going to be lost to the government, I think the government is going to have a difficult time implementing the provisions of many of the pieces of legislation that have been brought forward in this House and that will be brought forward in the weeks to come.

In addition to that, I think there's a recognition that in the unfortunate circumstances we find ourselves in after the tragic and horrific events of September 11, the government is going to have to allocate more resources to public security in this province. We all wish this did not

have to be the case, but I think it is unavoidable. For instance, I was very concerned when I heard today that five top scientists in the Ministry of Health had been given their walking papers, that they were sent out the door. These are people who have some intricate knowledge and research about bioterrorism. I can tell you, Mr Speaker, that much has been written about bioterrorism. You may be interested to know that Laurie Garrett, who is a renowned author in the field of health care and disease—she wrote the book called *The Coming Plague*, and she also wrote a more recent book dealing with the American health care system, where she was critical of many parts of it—wrote in the January-February edition of *Foreign Affairs* an article on bioterrorism dangers. I recommend that to members of the Legislature to see what the problem might be.

The financial obligations this bill will bring with it will have to compete with the financial obligations needed to fight an unfortunate terrorism threat that we have in this province and this country, not nearly so much as the United States where most unfortunate circumstances continue to unfold, but nevertheless we have to deal with it.

I remember, and I don't want to be a person who says, "I told you so," that back on September 27—that's three weeks ago—I asked a question in this Legislature that dealt with how much vaccine was available to deal with smallpox or anthrax or perhaps the plague in Ontario. "How would you anticipate dealing with that?" I asked the Solicitor General. At that time nobody in the press gallery was particularly interested. Members of the House had other matters that were preoccupying them. The minister gave a vague assurance that the government was looking into these matters. Now it's all anthrax all the time on CNN. That's unfortunate. Even we in our precinct have to deal with cranks who have caught on to this and are making nuisances of themselves.

The reason I mention it is because it causes us to have to take additional security measures. The Sergeant at Arms in the Ontario Legislature has made recommendations to members of the Legislature, and on an ongoing basis assesses any potential problems that might be confronted within the legislative precinct. I suspect that as a result of any reports that might be forthcoming from the Sergeant at Arms or from police forces or municipalities, more resources, financially speaking, must be dedicated to matters of security.

Those obligations are going to be competing with obligations that are found in this piece of legislation, and in the background is the fact that this government is recklessly and unwisely proceeding with a corporate tax cut to the tune of \$2.2 billion and is accelerating it. If we could be absolutely assured that this would generate a lot of business activity, we might at least say there's a consolation to that. Most economists I have listened to on this subject—these are people who are small-c conservative and perhaps small-l liberal, and small-s socialist—are saying it simply won't have that effect. You're going to rob yourself of these revenues and the

Treasurer, who will be in the midst of a leadership campaign, will have to apply constraints to various ministries. That means slashing the budgets of various ministries. So we will see such occurrences as the Minister of Health in this House today having to fend off questions from the Leader of the Opposition, Dalton McGuinty, about firing five of the top scientists in Ontario who deal with matters of terrorism, something I cannot think could be justified.

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I'll tell you, a provision that I want to see in legislation and that is contained in this is again trying to deal with making a profit from crime, that is, a person would commit a serious crime and then would make a profit. The example for people in our community, and I think everyone in Ontario would be aware of this, is the Paul Bernardo case. One of the members from Scarborough is with us this afternoon; he would recognize this because it has affected him.

**Hon Dan Newman (Minister of Northern Development and Mines):** Scarborough Southwest.

**Mr Bradley:** Scarborough Southwest, in this case. He wants himself identified, and I'm happy to do that

Paul Bernardo committed a number of heinous crimes in Scarborough as well as in St Catharines, along with his accomplice, Ms Homolka. We were fearful that there was going to be a movie made, for a profit, looking at the lives of these people as they relate to the crimes they committed.

This would be outrageous, particularly for the families of the victims. I know very well on a personal basis Donna and Doug French in St Catharines. I've met Mrs Mahaffy previously. These people have gone through mental torture and emotional stress over the crimes committed, as have, I'm sure, many of the victims and the families of those victims of Paul Bernardo in Scarborough. Members of this Legislature certainly would not want to see Paul Bernardo make money as a result of some royalties that might be paid to him for the making of a movie about him or books about him. I think we would find that repulsive. We would find it unacceptable. This legislation, the parliamentary assistant has assured me—and I have read the legislation—deals in part with the profits that could be made from crime and the telling of the tale of crime in this case.

There is a bill on the books at the present time. This legislation doesn't alter it all that much. I think that when we get a piece of legislation of this kind, we have to see just how effective it is. I know we have a crime commission that is set up by the Premier. This is for people who don't have anything else to do in the back benches of the government. I don't know whether they issue them with a trench coat or not, but they go around the province and have hearings and hope that there are enough people who are afraid about what's going on in the field of crime that they will show up. Usually it's the Tory executive and a few others who will show up at these meetings and then there's a report brought forward. Quite frankly, I would prefer to have the advice and



counsel of members of the police forces in our community, law enforcement people, people in the judicial system, social workers even, to tell us what is happening out there and how we can best address the issue of crime in the province.

I want to say as well that the government, just as it did yesterday when we were dealing with a piece of legislation—Dalton McGuinty had directed a question to Mr Norm Sterling, the Minister of Consumer and Business Services, about birth certificates and how easy it was to obtain a birth certificate and how, under the new circumstances we're confronted with, it would be wise to tighten up that process. As a result, the government brought in a piece of legislation. Initially, it denied there was a problem and then it admitted there was a problem and brought in legislation.

I give credit when the government does that. I'm happy, on a bipartisan or multi-partisan basis, as it is in this House, to give credit when the government accepts the ideas of the opposition and puts them into legislation.

You would know that Mr McGuinty had recommended and urged the government of Ontario to give to the families of the four victims of the OC Transpo shooting some \$100,000 each. The government had refused, as you will recall, to make those payments on October 11, 2000, but reversed its decision the next day under fire of question period from the leader of the official opposition, Dalton McGuinty.

Again, when the government reversed its position, when it sounded the bugles of retreat, when it waved the white flag, I was happy to applaud; when the government admitted its mistake, agreed with what Mr McGuinty had suggested and implemented it.

In addition to this, I notice the government has endorsed the bill from Michael Bryant, who is the Liberal member for St Paul's, on replica guns. Police officers and others recognize that replica guns can cause a problem in the commission of a crime, not as much as guns themselves, but if a person with a replica shows up at a crime scene, how are the police officers to be able to immediately identify that it's a replica, or, in fact, anybody else? The government has endorsed that, and I want to congratulate my colleague Mr Bryant for that.

The government is passing a form of legislation that was introduced by Rick Bartolucci, who is the member for Sudbury. He had bills, you will recall, that dealt with protecting children from sexual predators. He's had a bill before the Legislature since 1998 that would help get child prostitutes off our streets. The government is now incorporating that.

David Levac made certain recommendations to the government to abandon its drive-through prison system, as he called it, which allowed convicted drunk drivers and drug dealers to spend their jail sentences in their homes.

We have seen the government adopt some of those proposals from the official opposition. That's what we like to do. We don't simply want to criticize the government, though that's a very legitimate role of the

opposition; we are here to propose alternatives and we're always prepared to applaud the government when they accept those alternatives.

I wish we had legislation as well dealing with the many problems in our health care system, because those problems exist. While we are speaking of this legislation this afternoon, hospitals are struggling to meet their budgetary obligations. People are waiting extra long periods of time for surgery. Some of it is elective, but some of it is also very serious and should be done as soon as possible. Hospital emergency wards have to turn people away because they are too busy and because there aren't hospital beds.

Community care access centres cannot provide the kind of home care people need when they are forced out of a hospital early and into the community and are left in the hands of caregivers who may not have the health knowledge and wherewithal to deal with the problems that have to be confronted, and even some who simply require assistance with housework. You and I probably get calls from time to time that we try to assist people with, elderly people particularly who need this additional help. If we can keep them in their homes, that's good. That's part of security. This bill deals with security.

There are also other kinds of security that people are looking for in our community. I go back to the fact that if the government feels it will need extra funding to implement the provisions of this bill, that funding need will be competing with hospitals, community care access centres, dealing with trying to get doctors into our communities, and so on.

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It's also, obviously, competing with the need for government advertising. Every time I turn the television set on, there's a new government ad. Every time I turn the radio on, there's a new ad on the electronic media. You open the newspapers and there are full-page ads. You would say in some cases, "Are they reasonable?" Yes, if they are advertising a committee of the Legislature coming to Stratford to have hearings, that's a quite legitimate use of tax dollars for what we would call advertising. But the government has these self-congratulatory messages, such as a series of ads on television that I think cost \$6 million to try to peddle its education policy to the people. Rather than calling a press conference, rather than simply having members go around the province and put the case forward for the government, they took the taxpayers' money and spent that. Now we have a total of over \$240 million that has been spent on what I would call self-congratulatory, clearly partisan advertising at the taxpayers' expense.

I'm surprised, as I know the member for Scarborough Southwest must be, that the taxpayers coalition, which is so vigilant in finding expenditures it quarrels with in Liberal and NDP governments, has been silent; while I shouldn't say entirely silent, it has been muted in its criticism. One has to wonder whether those organizations such as the National Citizens' Coalition and the taxpayers coalition are simply fronts for the Conservative

Party and the Alliance. Otherwise we would expect that they would be calling a press conference once every two weeks to denounce the government advertising.

Certainly you're not going to find that on the editorial pages of most newspapers, which are benefiting financially from that government expenditure. You're not going to have Ken Shaw talking to our good friend Mike Duffy, as they exchange guffaws back and forth, about government advertising, because of course their network, as do all the networks, benefits from this government advertising. By the way, I did see Ken Shaw talking to Mike Duffy the other night about the Premier, and if the Premier is looking for a publicist, Ken Shaw would be a great person for that.

**Hon Mr Newman:** Ken's impartial.

**Mr Bradley:** Ken is impartial, says the member for Scarborough Southwest, with a large smile on his face as he said that.

Anyway, in conclusion, I want to say that despite some shortcomings in the bill, despite the fact that it's being oversold as a crime initiative, I think there's enough in the bill to merit the support of the official opposition.

**The Acting Speaker:** Comments and questions?

**Mr Bisson:** It's always a pleasure to listen to the comments made by the member for St Catharines; I've been here a number of years with him and he's always interesting.

I agree with most of what you said. It's the last part I have a problem with. I don't want to support this bill, and I'll tell you why. I don't want to support it because, like you, I was a member of this assembly between 1990 and 1995. Like you, I supported the Cam Jackson bill because the Cam Jackson bill said, and I want to quote, "The Public Guardian and Trustee shall pay the amount necessary to satisfy the award of judgment and costs in accordance with this section...." "Shall pay" were the words.

It meant that if Paul Bernardo was trying to make money by writing a book about his heinous crimes, the victims, the Mahaffey family and others, are the ones who would get the money? They could go to the Public Trustee to get the money from the award they would get from court. Now we've got the government introducing a bill and it says, "Subject to the regulations, if money is deposited in an account under subsection (1) in respect of a designated crime"—this is now the current bill that the government is trying to foist on us—"the Minister of Finance may make payments out of the account for the following purposes," and it goes on to list the victims. A whole bunch of other people can get the money. There's no guarantee in the case of Paul Bernardo that the Mahaffey family and others would get the money from the proceeds of that book, should he write such a book.

As a member of the Legislature who supported Mr Cam Jackson's bill, who said Paul Bernardo can't make any money, why would I come back in the House today and vote in favour of the bill when I know the bill we

have now says, "Maybe they'll get the money; maybe they won't get the money."

**Mr Kormos:** How much they get is a different question.

**Mr Bisson:** That's going to be for debate, and I'll get into that a little bit later.

I agree with most of what you said, but I have a problem supporting this bill, because at the end of the day it doesn't give victims anything extra than they've got now. I'm happy with what Cam Jackson did. I think Mike Harris should support Cam Jackson on his bill and I think it's very deplorable that he's trying to take the credit away from Cam Jackson.

**Mr Tilson:** To the member for St Catharines, I too enjoy his speeches. He covers pretty well everything there is to cover in this place. He did talk about the bill and he did indicate he's going to support the bill. I suppose I could sit down and say, "Thank you very much." But I will take an opportunity to indicate, as I believe he's doing, that what we're trying to do is to stop perpetrators of these serious crimes from making a profit. We'll keep saying that over and over. That's the whole purpose of this bill. If they make a movie, if they write a book, if they give an interview, we're not going to allow those people to make profits. I believe the member for St Catharines—I believe everyone in this House agrees, in fact.

That's what the bill is trying to do, and will do, if passed. There are arguments that it hasn't happened, that this type of thing hasn't happened a lot. There have been a few instances where people have written books. I think the member for Niagara Centre gave an example recently. But basically speaking, it hasn't happened a lot and that's one of the arguments: "Why are you doing it if it hasn't happened a lot?" We're trying to prevent it from happening. We're not going to wait for this to happen, for these serious crimes to be written about and have people make a profit. We're going to do it now. Hopefully, the bill will pass. If it does, it won't happen. That's what we're trying to do. The bill is to act as a deterrent to prevent people from taking advantage of crimes that they've committed—

**Mr Kormos:** That's my line.

**Mr Tilson:** You had a good line, and I'm going to use it too: it's a deterrent. I've also indicated how the people who are involved—the publishers, the movie makers—must report those contracts to the government. If they don't, they could be fined up to \$50,000.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I want to congratulate the member for St Catharines. This member always gives good advice to this chamber and I would say that he's even called the godfather of this House, having been here for so many years.

He cautioned us on this bill. We know that we are going to support this bill, but in the past this government has tended to pass bills but hasn't got the resources in place to enforce the bills. I just have to refer to the squeegee bill. Have we done anything with the squeegee



bill? The only thing we have done is to cancel all the firefighters' activities to raise funds for good causes.

We know that one of the people who is going to be in the race for the leadership to replace the Premier has passed Bill 17, which was supposed to be the labour mobility bill to have a level playing field.

**Mr Caplan:** What a farce that is.

**Mr Lalonde:** What a farce. We spent over \$1 million just prior to the 1999 election. We haven't done a single thing. We lost over \$150 million of revenue in Ontario, but this government didn't have the resources in place to enforce the bill.

There are many, many other bills that we tend to pass to make it look good to the people of this province, but we never do anything with them. But we are definitely going to support this bill, because we feel it is a step in the right direction. Again, I want to be cautious. Don't expect to see the government put in place the manpower to make sure that we enforce this bill, as it will be passed within the next couple days.

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**Ms Martel:** I know the member for St Catharines is going to repeat, for the benefit of the parliamentary assistant, that the current law as it stands already makes it an obligation of parties to a contract to inform the public guardian and trustee of that contract, to provide a copy, or, if it was done in a verbal form, to provide a written account of that verbal form. If they don't do that they can already be penalized \$50,000. So to try and pretend here this afternoon, as the parliamentary assistant just did, that the government is providing something new is, as my colleague Mr Kormos has already said, really a fraud.

I go back to some comments that were made by Cam Jackson when his bill was passed on December 8, 1994. He thanks Debbie Mahaffey and the French family for coming forward. He specifically said about Doug and Donna French—he talked about a letter they had given to all members at the time this bill was being discussed. They said the following: "The fact that people want to profit from someone else's tragedy is disgusting. But the fact that the criminals themselves can profit from crime is an outrage. It exploits victims and their families and in fact promotes crime." I agree. Members who were present on the night of December 8, 1994, agreed. That is why we passed a bill to protect victims.

What the government is trying to foist on us today is a bill that doesn't provide even those same guarantees. I for one am not prepared to support a piece of legislation that has no guarantee whatsoever that a victim is actually going to get one red cent. The bill clearly states that the Minister of Finance may—may, not shall—give victims some money, and other additional funds that come in may go to any other purpose.

Why would any of us, if we want to be true to the reason why this was passed in 1994, now pass a bill that provides less protection to victims?

**The Acting Speaker:** The member for St Catharines has two minutes to respond.

**Mr Bradley:** I thank all of the members for their input. I must say I have listened with a good deal of interest to the member for Timmins-James Bay and his suggestion on why he won't support the bill, and to the member for Nickel Belt. I've listened to the parliamentary assistant try to make a compelling case for the government situation. I've listened to my good colleague from Prescott-Russell talk about his concern about resources.

This is difficult. I don't want to pretend this is an easy bill to support the government on, and I accept the member for Nickel Belt saying, as she did, that what is old is new and what is new is old in this bill, in many cases.

**Ms Martel:** No, no, it's less.

**Mr Bradley:** And she says it's less.

I have to give the government credit in this regard. I didn't think they were doing a good enough job on recycling in the province. This legislation is proof positive that there's a lot of recycling going on in this particular bill.

What I do want to take note of—and this is why I think you have a lot of concerns about the bill that are justified—I remember the Victims' Bill of Rights. It was portrayed as being a tough new piece of legislation. It turned out, of course, to be toothless. In 1999, Mr Justice Day of the Ontario Court described the flawed Victims' Bill of Rights as follows: "The act is a statement of principle and social policy beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." So I certainly understand any members of the Legislature who are suspicious that there's much less in this bill than meets the eye.

**The Acting Speaker:** Further debate.

**Mr Bisson:** I just heard the best argument why I shouldn't support this bill in the last quote of the member from St Catharines.

*Interjection.*

**Mr Bisson:** Exactly. It's the same thing as the Victims' Bill of Rights. The government said one thing, had a really good speak line, had the press conference and had the glitzy ads; they had everything saying victims in Ontario now had a new set of rights that they didn't have before. I believe the Liberals voted with us in opposition to the bill because we believed, as you did, that they were not getting any new rights, and if they were going to get new rights, we'd support it, but without, we would not. As it turns out, the comments that Justice Day makes are 100% right. At the end of the day—pardon the pun on Justice Day—victims have no new rights under the Victims' Bill of Rights.

I say to the member for St Catharines, come on over and join with us. I know that deep down you don't want to support this legislation, because what it does is speak against the bill that Mr Cam Jackson introduced in this Legislature back in 1993 and that was passed in this Legislature on December 8.

I'm going to lay this out in my speech, but I've done it in the two-minute responses—

*Interjection.*

**Mr Bisson:** Yes, I've got eight minutes.

For the record, I want to lay out in my speech the comments as to why I don't want to support this bill, as has been stated by other people here in the Legislature.

Let's look at what we've got. We've got two pieces of legislation. We've got Cam Jackson's bill, which was introduced and passed in this House in December 1994, and we've got Mr Young's bill—the Attorney General today—which was introduced under Mike Harris. Let's compare the two bills.

Simply put, Mr Jackson's bill says that if Paul Bernardo tries to write a book about the terrible things he did to those people, he cannot make money from the book. Mr Jackson's bill says that if there is any money to be made, it goes into a trust account under the public guardian, and if the victims go to court, they are able to access the money from that book, but at the end of the day Paul Bernardo can't get any money.

Here's what Mr Jackson's bill says: "The public guardian and trustee shall pay the amount necessary to satisfy the award of judgment and costs in accordance with this section." That's under section 6 of Mr Jackson's bill, the Victims' Right to Proceeds of Crime Act, 1994. It's very clear. It says that they go to court, in the case of the Mahaffy-French family, if we were to use the Bernardo case, they get a judgment and then that judgment is paid out of the money from the office of the public guardian and trustee. So there's a mechanism to pay and there are no ifs, ands or buts about it. The legislation says "shall pay."

In the event there's not enough money in the account to pay what the courts have awarded the victims who are going to court to get this resolved, it then goes on to say under subsection (4), "Additional funds," "If the public guardian and trustee receives additional money under section 2 after making a payment under this section, the public guardian and trustee shall pay the additional money to the victim...." It says, and we're just saying this as an illustration for people, that if Paul Bernardo writes a book and the victim's family goes to court and says, "There's no way this guy should make any money with the book and we're making an action against that," and the judge orders back and says, "You're entitled as victims to X amount of money," under section 6 of Mr Cam Jackson's bill the money "shall" be paid to the victims. If there's not enough money, it says that whatever other money goes into that fund is then disbursed to the victims—again "shall pay."

Let's look at Mr Young's bill. Under Mr Young's bill it's quite the opposite. It says, under subsection 9(3), "Payments out of account," "Subject to the regulations"—there goes that wonderful word; did you ever notice how often in the government's legislation we leave everything to regulations?—"if money is deposited in an account under subsection (1)"—meaning the trust account—"in respect of a designated crime, the Minister of Finance"—get a load of this—"may make payments

out of the account for the following purposes," and it goes on to list what those purposes are.

It says "may." The money could go to the family. The government could decide, "We'll take the money and give it to the John Howard Society." They could do that. They could take the money and give it to whatever agency they think is deserving of the money, because the government says, "We're not prepared to pay out of general revenue. Here's an extra pot of money. Let's go get the money to pay those people," and the victims could be out of any access to compensation.

I'm saying, why should we as members of this Legislature make legislation weaker what than already exists on the books? It makes no sense. I would think the reason the government would bring a bill in would be to say, "We want a bill on top of Mr Jackson's bill to make Mr Jackson's bill a better bill." If the government was doing that—I voted for Jackson's bill; go check the record; in 1994 I voted in favour—I would vote in favour of making this bill stronger. But when I look at the bill Mr Young brings in as the Attorney General, it makes the bills go like this: the government's bill is a lot weaker than Mr Jackson's bill.

That brings me to the following point: why is the government bringing in a bill that makes Mr Jackson's bill weaker and allowing weasel words so the government doesn't have to pay the victims of crime? I say it's one of a couple of reasons.

**1750**

One reason can simply be that the government doesn't have a lot to do this fall and had to come up with legislation to keep us busy in this Legislature, because they have lost their rudder, they really don't know where they're going, and they have to spend their time in the House doing something. So they said, "Everybody come back and give us legislation that fits in with our message of crime and our being the champions of the victims. Come back with whatever you can. Come back with beating up teachers. Give me a couple of bills in there, give me a couple of finance bills, and it will give us something to do in this House." It's basically legislation that doesn't mean anything in order to tie up House time.

Or could it be—and this is what I'm wondering; I'm going to ask my good friend Mr Bradley from St Catharines to respond to this later, and my other good friend Ms Martel from Nickel Belt—that Mike Harris is trying to get back at Cam Jackson in some way? Is there some kind of fight between Cam Jackson and Mike Harris that we're not aware of? I know their relations are somewhat strained. I know Mr Jackson is a fine individual and he has been trying to get a better post within cabinet for a long time. Mr Harris has failed to promote him above where he is now because, for whatever reasons, it would appear that Mr Harris doesn't quite like Mr Jackson. I'm wondering if what's happening is that Mr Harris is somehow saying, "I'm going to stick it to you again, Cam, one more time. I'm going to stick it to you," so that Mr Jackson, who worked quite hard to pass his original legislation in 1994, feels



that he's somehow lost something. I would be quite interested to find out what Mr Bradley thinks. I bet I'm not too far off the mark to a certain extent. I don't think it's the only reason, but I think it's part of it.

I've got to go back to what was said in Hansard by Mr Jackson when it came to this bill. Mr Jackson said—and I'm reading from the Hansard of December 8, 1994:

"I do want to indicate that although I tabled this bill or a form of this bill almost exactly five years ago tonight, in December 1989, I was very much moved and guided by the initial work of Mr Renwick and, by extension, Mr Wildman. Much of their work was reflected in the bill that I have had tabled in this House for those five years."

Clearly, Mr Jackson had been working on this for a long time, had been trying to get this bill through the Legislature and had failed on a number of occasions. It wasn't until all the hard work Mr Jackson had done, bringing onside various members of the Legislature and having the support of people like Bud Wildman, who was then a very powerful minister of our government, that he managed to secure passage of the bill. Because he had to have more than just us to pass the bill, right? He had to have the Liberals and Tories support him as well; it's private members' hour. He goes on to say, "I want to thank my leader, Mike Harris, who has consistently supported me in my concerns and my advocacy for victims and victims' rights in Ontario."

I want to know what happened between December 8, 1994, and October 17, 2001? Why, all of a sudden, is Mr Harris deciding to pull away whatever gains Mr Jackson has made in his bill? I really have to wonder. So I'm looking forward to the comments that are going to be made by the member from St Catharines, because I'm sure he can shed some light on this. I know you've been around here longer than I have, actually, and you will be able to bring some light.

I just want to say again, Mr Jackson's bill spoke to the issue. It said to people like Paul Bernardo, "You cannot make money on a book if you're writing about the crimes you've done. If you try to do that, any money that's made is going to go into a special account and the victims will have access to that money." The bill that is being introduced by the government says, "Maybe that will happen, but not necessarily," and the government could give the money to whomever it decides, also by way of regulation.

I won't support the bill for that reason.

**The Acting Speaker:** Comments and questions?

**Mr Tilson:** Just to respond to the member's comments about the proceeds and the discretionary section of the Minister of Finance, the difficulty the government has, which is different from what the NDP has, is that we can't plan for every potential victim. You may be able to, but we can't.

We give the example of a husband and wife who have a daughter who is raped, and the perpetrator decides to write a book on that topic. This bill says we're not going to allow that perpetrator to receive those proceeds.

Let's say the husband proceeds; not the wife, not the daughter. There could be other victims. There could be a number of victims that we may not even be able to contemplate. There may be victims that no one has even thought of. Under your process, not all victims are covered. Under the process that you're suggesting, you are going to leave some victims out, and it isn't right for you to do that.

As well, the compensation, if there are excess funds—just to correct the record, under the existing bill, the only method for compensation is to use the funds for satisfaction of a civil judgment. If there are excess funds, those funds ultimately could go back to the criminal. We're not allowing that. If there are excess funds and victims are satisfied, those funds will go back to help all victims.

I suggest that you look at all of these things before you decide to vote against the bill, because we believe that of what you're proposing and what we're proposing, we have the better plan, and we'd recommend that you follow that plan.

**Mr Bradley:** I'm going to comment on the suggestion by the member for Timmins-James Bay that, with the leadership contest going on within the Conservative ranks now, there's disarray. That was what he implied when he said that somehow there was a vying for position.

I noticed, as you may or may not have, Mr Speaker—the Minister of Labour often interjects in the House and assists other ministers. When there's an answer to be given, he will inform a minister four or five seats down what the answer might be. I noticed today, after the Premier announced that he was stepping down, that no longer does the Minister of Labour provide that free advice to others. The Minister of Health could have used that assistance today, yet I noticed that the Minister of Labour was mum. My friend Chris Stockwell, who is usually quite vociferous in the House, was quite mum.

So the suggestion by the member for Timmins-James Bay that perhaps this legislation is affected by likes and dislikes within the government may or may not have some validity. I'm unable to make that judgment. I'm not privy to the internal discussions of the government. But I can certainly understand that we're going to see a lot of dissension, disarray and contentious argument within the confine of the cabinet, particularly among those who are competing against each other for the leadership.

**Hon R. Gary Stewart (Minister without Portfolio):** That's terrible. Very unprofessional.

**Mr Bradley:** I simply ask the member for Peterborough five months from now to make that observation, whether you will see all of the ministers singing from the same hymn book. My suggestion is that there will be a lot of different hymn books from which they will be singing.

**The Acting Speaker:** Pursuant to a motion in this House earlier this afternoon, I will put the question.

Mr Young has moved second reading of Bill 69. Is it the pleasure of the House that the motion carry? It is carried.

Pursuant to the motion earlier this afternoon, the bill shall be referred to the standing committee on justice and social policy. I'll just finish that, if you like. The standing committee on justice and social policy shall be authorized to meet in Toronto for one day for clause-by-

clause consideration of the bill, and the standing committee on justice and social policy shall report the bill back to the House not later than November 22, 2001.

It being past 6 o'clock, this House stands adjourned until 6:45 this evening.

*The House adjourned at 1801.*

*Evening meeting reported in volume B.*

ERRATUM

No.	Page	Column	Line(s)	Should read:
50B	2672	1	41	identities. Until September 11, identity theft was seen as



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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Legislative Assembly of Ontario

Second Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 17 October 2001

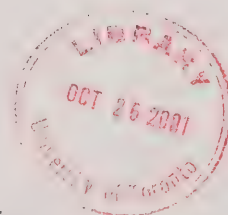
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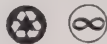
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 17 October 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 17 octobre 2001

*The House met at 1845.*

### ORDERS OF THE DAY

#### ORDER OF BUSINESS

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Mr Speaker, I understand there has been discussion among the House leaders' offices, and I would like to ask for unanimous consent to move a motion regarding the terms of this evening's debate.

**The Acting Speaker (Mr Bert Johnson):** Is there unanimous consent? Agreed.

**Hon Mrs Johns:** I move, that G109 be called as the first order of the day this evening;

That the remainder of the sessional day shall be spent debating the bill, at which time the Speaker shall put the question without further debate or amendment; and

That the vote may be deferred.

That, at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on general government;

That the standing committee on general government shall be authorized to meet in Toronto for up to two days for clause-by-clause consideration of the bill;

That the standing committee on general government shall report the bill back to the House not later than November 1, 2001.

**The Acting Speaker:** Is it agreed? Agreed.

#### VITAL STATISTICS

STATUTE LAW AMENDMENT ACT  
(SECURITY OF DOCUMENTS), 2001

LOI DE 2001 MODIFIANT DES LOIS  
EN CE QUI CONCERNE

LES STATISTIQUES DE L'ÉTAT CIVIL  
(SÉCURITÉ DES DOCUMENTS)

Resuming the debate adjourned on October 16, 2001, on the motion for second reading of Bill 109, An Act to enhance the security of vital statistics documents and to provide for certain administrative changes to the vital statistics registration system/ Projet de loi 109, Loi visant à accroître la sécurité des documents de l'état civil et prévoyant certaines modifications administratives au système d'enregistrement des statistiques de l'état civil.

**The Acting Speaker (Mr Bert Johnson):** To bring you up to date, Mr Christopherson had just finished his debate. There would be comments and questions on that, but since he is not here, we'll dispense with that and we will move around in clockwise order to my right. Further debate?

**Mr Steve Peters (Elgin-Middlesex-London):** I will be sharing my time this evening with the member from Ottawa Centre.

Bill 109, the Vital Statistics Statute Law Amendment Act, is a very important piece of legislation. I think it once again demonstrates that there are opportunities in this chamber where we can work together collectively as three parties. I think it's important to let the public know that there are certain issues we all recognize as being of prime importance to the citizens of Ontario, and that there are times when we need to act in a non-partisan way.

What we're seeing in front of us this evening is a piece of legislation that has come forward as a result of the tragic events that took place in New York and Washington on September 11. Out of that event and a heightened awareness on all our parts of concerns about security, our leader, Dalton McGuinty, raised the question of birth certificates. As every one of us in this Legislature knows, our offices are visited by constituents on a regular basis who, for whatever reason, have lost documents or had documents stolen. You need a birth certificate to begin the process of repatriating your documents.

All our constituency offices have provided the service of not only providing the forms, but in my own constituency office, as an example, we actually provided a service to ensure that every two weeks we would go and pick up birth certificates for individuals. We didn't question anybody when they came in. We would take it at face value. The individual would fill out the form, provide \$15 or \$30 if they required an immediate birth certificate, and we provided that service.

#### 1850

At the time, following September 11, Dalton McGuinty asked a question of Mr Sterling and it became very evident that this was a process that required some change, a process that needed to have some loopholes closed. The government, in response to Dalton's questioning, acted quickly to implement the change. It's important to recognize that this change is a positive step. I'm going to comment in a few moments on some things that, on reading the legislation, weren't clear to me. I'm



hoping somebody from the government side or at least from the minister's office is listening to this debate this evening or will be reading the Hansard tomorrow and will clarify it or definitely deal with it at the committee level.

It's important to recognize that with the changes, an applicant for a birth certificate is going to require a guarantor to corroborate the identity of the applicant. This is one of the points I'd like to see not only clearly defined in the legislation, but hopefully clarified at the committee level because this is an important service that all 103 of our offices provide in ensuring that we help facilitate the acquisition of birth certificates for individuals.

Right now, with the requirement of a guarantor, every one of us in this room, all MPPs, are guarantors. It allows us the opportunity to witness documents. It allows us the opportunity to sign an individual's passport application if we know the individual. What we need clarified is that MPPs can continue to provide that service. If we know the individual in front of us, can we, as MPPs, act as guarantors?

Another question I would like to raise is that I'm sure many of my colleagues in this House this evening have individuals in their offices who are commissionaires. As we all know, we have a number of individuals who come into our office, be it a vehicle transfer, the certification of a true photocopy, and we as MPPs can witness that, but we also have individuals in our office—I do. Liz Haselbah in my office is a commissionaire. On those days when I'm not in my office and somebody comes in requiring a document to be witnessed, Liz can do that on my behalf. I think we need clarification with this legislation that an individual like Liz in my office can continue to provide that service. I hope that can be clarified in this legislation.

It's important that we recognize the provision in this that the registrar general be notified when a document is lost. I would hope that with other provincial documents, be it a health card, as an example, if that provision is not already in place with health cards, we do that. I hope we can work collaboratively to deal with issues, say a social insurance number, to ensure that the federal government is notified in the event of the loss of a SIN card.

I think too that this proposed legislation limits the number of birth certificates and certified copies of birth registration that may be issued, to one of each.

I would hope the committee or possibly the minister would clarify this question. We've seen over the past 25 years, since the movie *Roots*, a great interest in genealogy. A lot of people are interested in where they come from. An individual conducting genealogical research often goes to the registrar general's office to find particular documents, be they for birth, death or marriage. As part of their genealogical research, they want to have a copy of a birth certificate that they can include in their family history. So I hope there are provisions that somebody who is conducting genuine genealogical research

isn't in any way going to be prevented from gaining access to this information.

I want to point out another issue: many of us represent ridings that have community hospitals or regional hospitals where, on an annual basis, many young people are brought into this world. I just want to go on the record this evening that a number of constituents of my riding use the services of London hospitals and use the services of the London Health Sciences Centre if their child has become ill. Recently, the London Health Sciences Centre has announced a number of cuts—18 program cuts in all—to services that the hospital provides. One of those services is the pediatric cardiology program. I think this is an irresponsible decision that the hospital board has made, in taking away and cancelling this service in London and forcing young families to travel to Toronto or to Hamilton. We saw as recently as today, as reported in the *London Free Press*, a young family with a new child who required medical care, and that child was not able to get into a hospital in Toronto or a hospital in Hamilton. They had to come to London. So I would urge the board to reconsider the decisions they've made with pediatric services, the decisions they've made with the burn unit, the decisions they've made with the cardiology replacement program, the decisions they've made with the endovascular aneurysm program. Those are programs that are important to the citizens of southwestern Ontario.

I think it's important that we collectively support this legislation this evening, and I thank Dalton McGuinty for bringing this to the attention of the House so we can ensure we provide the best services for our citizens in Ontario.

**Mr Richard Patten (Ottawa Centre):** I'm happy to share this time with my colleague from Elgin-Middlesex-London, who I thought made a few good points in terms of things that should be looked at in committee.

I would say at the outset that it took the September 11 experience for us to do a review and take a second look at things in a different light. As my colleague has pointed out, and as all members of the House will know, I would say pretty well on a weekly basis people come in for document changes, changes of name, verification of birth certificates. Our leader, Dalton McGuinty, raised this in the House, and rightly so. I don't say that in any partisan sense, except to say that Mr McGuinty, being the astute person he is, and having a sense of what is happening in Ontario, had identified something that was in need of change.

I will go through a few examples—and this, perhaps, would be representative, in some cases, of the diversity of Ontario. The *Windsor Star* commented on the improvement in security for birth certificates, and it goes on to explain the questions that were asked and the response by government, and finally the government—I shouldn't say "finally"—the government, the minister, came back in fairly short order to respond, "Yes, indeed, there is room related to our documents to improve the security of those by the measures that are outlined in Bill 109."

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The North Bay Nugget—I'm sure the Premier would be faithfully reading this paper every day—even talks about the issue of identification, and is in support. Most of these are editorial comments, so they represent the newspapers in different parts: the Windsor Star, the North Bay Nugget and the Peterborough Examiner have similar reports; the Chatham Daily News, the Toronto Star—which picks up a lot of ridings in this province, and of course the city—the Toronto Sun—I'm not surprised at that—the Ottawa Sun, the Standard-Freeholder in Cornwall, the Kitchener-Waterloo Record and the Hamilton Spectator, to name a few. I could go on and identify other newspapers throughout the province that are in support of the activities we are addressing here this evening. I just add some contextual background that people from a variety of communities in our fair province are in accord. Perhaps that's why, in essence, all three parties are in agreement with this piece of legislation that we have before us tonight: it being proposed by one party, the government picking it up and it being then supported by all three parties as we move ahead.

That is not to say, of course, that there should not be some basis for modification, because the point of debate and the point of committee is to listen to what people have to say. Of course, private citizens will be e-mailing or sending a letter suggesting that we provide certain safeguards.

I must point out, to reinforce, lest there are those—and I'm sure there are, and indeed there should be—who worry about contraventions of private information and confidentiality, which of course is a fundamental principle not only of our province, but within the Canadian context as well: what kind of information is gathered, what kind of information is kept, who has it, who has access to it and what rights people have with the gathering of that information. With this bill those questions must and need to be asked. I am pleased to hear that the integrity commissioner has provided some kind of response, and I hope the information commissioner likewise will comment related to the use of information. Because in these times of fear, people are prepared to give up certain things that perhaps before they would have thought twice about, because they feel the state may need certain authorities in order to provide us with the security that most people are seeking at this particular time.

However, it seems to me that it is incumbent upon us, every legislator in this place, that while there may be a tightening of controls, a tightening of security procedures, we must guard very carefully our historical strength, as a country and as a province, related to our human rights. I, for one, will certainly look at this and examine this very carefully in that light, and I suspect I would not—indeed, I hope I would not—be alone. I'm sure that I wouldn't be.

I would like, as the critic for science and technology, to add to the considerations at committee that not only in some of the areas that were identified by the bill could

we sharpen up by guarantors and the requirement that someone must know someone for a two-year period before they would sign their name, and they needed to be professionals or they needed to be different people who are identified in the bill. As a commissioner of oaths, that would be fine with me because those people would be held accountable for who they would be signing for. I hate to end my sentence with a preposition, however I will try to improve in the future.

I would suggest that we do have the technologies, which I've looked at and examined very carefully. The technologies of security and the technologies of identification are there right now. I know the government is looking at the whole issue of the smart card. The concept of a smart card is that it's an identification card that provides a database, with a chip in a particular card, for a variety of purposes. You may have information related to your driver's licence, your health card, a birth certificate, a marriage certificate or other sources of data.

That sounds great when you begin to introduce the concept, except I'll raise the issue that I get somewhat worried when I see the centralization of confidential and personal information into one bank where we do not have, I think, the kinds of safeguards we had. The government has a variety of ministries that sell confidential information, I am told, or at least sell to the business community lists of people—I understand the Ministry of Transportation does this—while citizens of Ontario do not know that this is going on. I don't think that's acceptable, and it certainly should not be in this particular case.

However, as we have already said, all parties support the essence of the bill. I hope that when we get to committee there will not be the limitation of a time allocation there, that there will be an opportunity for good exploration, that there will be an opportunity for people indeed to present views and testimony as to their thinking. This is something that we should proceed on, but we should proceed with our eye on our code of ethics and our human rights codes, both federally and provincially.

With that, I will wind up my comments and look forward to proceeding with this particular bill in the interests of the people of Ontario.

1910

**Ms Shelley Martel (Nickel Belt):** I appreciate the opportunity to participate in the debate this evening and would indicate at the outset that, as has already been mentioned by our critic, we will be supporting the legislation. I thought what I would do, though, in the time that's been allocated to me this evening, is raise a couple of concerns, or reinforce a couple of concerns, which two of my colleagues have already raised. I do that because the minister, in his opening remarks on this bill on Monday night, said the following: "I want to say to the opposition that I am open for reasonable amendment. If they want to come forward with constructive ideas about how we can make this a better law, I have an open ear with respect to their suggestions."



So I take the minister at his word that indeed he is looking for unanimous approval of this particular bill, and I also take him at his word that, as a result, he has allowed for committee time and there will be an opportunity for both public hearings and for amendments to be placed.

I'd ask the minister and the ministry staff to consider a couple of points. The first has to do with the issue of the guarantor. It has been clearly stated by the minister and by others that there are two possible conditions to be met for a guarantor. I took a copy of the Request for Birth Certificate off the Internet earlier this evening and note that there is a wide range of individuals who are in a position to act as a guarantor. It is clear that the applicant must know the guarantor for at least two years in order for the same to actually sign.

What's interesting is that, although the minister spoke about the ability of MPPs to act as guarantor in his remarks on Monday evening, in fact if you look at the Request for Birth Certificate, MPPs are not specifically noted as those individuals who could be guarantors. So it seems to me that if it is the intention of the ministry to allow us to do what some of us now do with respect to passports, act as guarantors, I think it would be wise for the ministry, in making changes, to amend it so the document itself, the application form, clearly lists MPPs as guarantors.

Having said that, there may be another provision under which we already have an ability to act in terms of a signatory. There may be another piece of legislation that automatically guarantees us the right to fill in a birth certificate, and perhaps that's why it doesn't appear specifically in the application. But I think even if that is the case, we might as well make it clear to everyone who wants to apply that as MPPs we can do that too, along with signing as guarantors to passports, which I know a number of us already do.

We have a situation where you have to know someone for two years in order to sign as a guarantor and there is an extensive list of people who can participate. If you cannot meet that requirement—and I submit to you that there would be a number of new Canadians, I think, who in coming to this country may not be able to meet that criterion. They may not know someone who is essentially in a business or professional capacity who has known them for two years who could act as a guarantor. The second criterion that appears in the application is that if you don't know anyone on the list, as long as you've known someone for at least five years who is not a relative, that individual can sign. I submit to you that if you can't meet the first criterion, that is, you've been here for two years and there is not someone in that select list who can vouch for you in that regard, you're probably not going to meet the second criterion, which is that you've known someone other than a relative for the last five years.

I think that the current application system does provide a bar, particularly to new Canadians seeking birth certificates perhaps for infants. There may be a provision

that if you have a registration of live birth, you can automatically get that; I don't know the answer to that. But I think we need to find a mechanism for individuals who can't meet either of the criteria—the two years, and knowing someone from the select list or knowing someone other than a relative for five years. We need to find a way to accommodate those people.

The ministry has clearly told us that the registrar does have the discretion to look at these on a case-by-case basis, and if someone can come forward and present evidence that they have lived here etc, they could probably get a birth certificate. The problem is that if you were to look at the application form just on the face of it, you would conclude that you are immediately disqualified. As far as I can tell, on the form itself it does not make specific reference to the fact that you can have the registrar general look at your case and make a decision. I don't see that anywhere on the form and I regret that it's not on the form. I think in order to ensure that we are not barring people outright from even applying, because they believe they can't qualify after they read the form, it would be fairly simple for the government to amend the Request for Birth Certificate in the section under the guarantor to have a specific provision that will say clearly to people, if you cannot meet either of these requirements for signature by a guarantor, please write to the registrar general about your situation and he or she will review it; or alternatively, we could say to please approach your nearest land registry office and make your concerns known to the staff there and they will, on your behalf, undertake to let the registrar general know that your case should be dealt with on an individual basis, that there are some specific circumstances that should be taken into account and the registrar general should do that.

I think, as I look at the form, that it would be easy enough for the ministry, in the section on page 2, under information about the form, "Statement of Guarantor," at the very bottom, to very clearly write in a proviso that says specifically to people, "If you do not feel you qualify under these two sections because you cannot meet these guarantor requirements, please write to the registrar general at this address and ask for an individual review of your case or, alternatively, go to your land registry office, where you would take the application form in any case, if you wanted to have it processed, and talk to staff there about what you have to do." That way, I think the form would clearly not act as a bar to any number of people who, looking at it on the face of it, would not have any knowledge that they can take their case somewhere else and would feel that they are immediately disqualified and would leave it at that. That's a simple change to the form.

On a broader basis, I do not see in the legislation where there exists a mechanism for appeal if the registrar general determines that you do not qualify for a birth certificate. I think that in all fairness, we need to find a way to have a mechanism for appeal. I wouldn't presume to know what that particular mechanism might be. I hope

that might be an issue that would be dealt with at committee. But with respect to most other important decisions about people receiving access to information, for example, under FIPPA, people receiving other documents etc, people who are appealing the denial of benefits, for example, through the social assistance system or through the WSIB system, we do traditionally, normally have some kind of mechanism for appeal of those said decisions. I think it's incumbent upon the ministry at this point, with respect to birth certificates, to make the same change, to develop a mechanism for appeal and to put that into the law.

I say that specifically because the minister spent some balance of his time talking about the importance of having a birth certificate. We know he has structured that around many of the concerns that have arisen as a result of the circumstances of September 11. So if it is becoming more important, more critical for individuals to have birth certificates, then I suggest it becomes as important and as valuable for them to have an appeal mechanism when the registrar general has denied them access to the same. So I hope the government at the public hearings and through the clause-by-clause will consider that proposal.

The third area that I want to deal with goes directly to the legislation in section 53.1, which outlines the following: the duty of the registrar general to collect information, the duty of others to assist in the collection of that, the duty of the registrar general to disclose, and then the definition that is provided with respect to what "institution" means in this section. Let me raise a couple of concerns.

Firstly, the duty to collect information: it says very clearly that "If the registrar general considers it necessary to verify information," with respect to what's on the application form itself, "the registrar general shall collect, directly or indirectly, such information as he or she considers necessary from such persons and institutions as he or she considers appropriate." I understand that. I accept that. I appreciate that, from time to time, there will be a need in the mind of the registrar general to confirm information that appears on the application form. I assume that the registrar general would be looking at this, for example, trying to confirm information, for example, of a birth. So perhaps they would be calling a specific hospital or requesting information from a specific hospital about the registration of a birth. Alternately, in order to avoid fraud by someone having a birth certificate of someone who's dead, they may well want to collect information, for example, from a funeral home, if that's where you get such information, with respect to death certificates and confirmation that indeed someone has died, so you stop right there any fraud with respect to someone trying to get a birth certificate of someone who is already deceased. So I accept that any number of institutions might be contacted and they have an obligation to disclose information.

It is the duty to disclose information, which appears as section 53.1(3), which I have some serious concerns

with, because I don't understand what the government is trying to address. That particular section says, "For the purpose of verifying information or determining if any document issued or that may be issued under this act is being, or may be, improperly used, the registrar general shall disclose such information as he or she considers appropriate to such persons or institutions as he or she considers appropriate."

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My concern is that, for the purposes of disclosing information, there seems to be quite a broad category of institutions and bodies to whom information that I consider to be confidential can be disclosed.

If you look under section 4, "institution" certainly refers to institutions that are defined under the Freedom of Information and Protection of Privacy Act, under the Municipal Freedom of Information and Protection of Privacy Act, and part (c)—and this is the one I have the most concern with—"any agency, board, commission, corporation or other body, inside or outside Canada, designated as an institution in the regulations."

If I go back to both FIPPA and the Municipal Freedom of Information and Protection of Privacy Act, "institution" is defined in most cases as a ministry of the government, agency, board, commission, corporation etc. But section (c) of the government's bill is quite broader, as I read it, than the provisions that are already outlined in the other two acts. I don't know why the government would want to have a broader definition of "institution" for the purposes of the registrar general disclosing information to those bodies.

For example, I see no need for the government to have the registrar general disclosing, sharing, distributing or giving information to a body inside or specifically outside of Canada. Whom are we referring to? Is this a private corporation, a private company? Why would they have any right to have such information? Why would we be requesting that the registrar general disclose the same to those companies? If the government could come forward and give me some good idea as to why it feels it has to have such a broad definition, specifically with respect to bodies or organizations outside of the country, I would surely like to hear it. If there is a logical, reasonable and good explanation, then let's have it.

On the face of it, as I read this section, it gives pretty broad and sweeping powers to the registrar general to disclose to just about anyone, and I can't see the reason for that. I looked very carefully through the minister's remarks. He didn't reference this section at all, so I don't know what his thinking was, but I certainly hope the government will come forward and outline why they think such disclosure to such a broad range of institutions, bodies, inside and outside the country is necessary. On the face of it I'm opposed to that. I don't think there's a reason for that, and the government hasn't given me a good enough reason to support the inclusion of that particular section.

I raise that because there are a number organizations, bodies, private corporations etc that in fact are trying to



get information from the government, information that up to this point the government, I think in most cases—not others, which someone might talk about tonight—has been relatively good at making sure that information is not disclosed.

I go back to a particular case that was dealt with by the Information and Privacy Commissioner. It is true it does go back to 1992, but it makes the point that there are any number of groups and bodies out there that do want access to information and that make specific requests for that. It was only because of the provisions in the current Vital Statistics Act that information with respect to this case was not disclosed.

Very briefly, the story is as follows. There was an appeal made to the privacy commissioner in 1992. It was the Ministry of Consumer and Commercial Relations that initially denied access to the company that was making a request for information. The company making the request for information marketed baby food. The company wanted information with respect to a list of the names, dates of birth and addresses of all babies born in Ontario in 1991 so that the particular company could then send detailed information out to the parents “to help them make an informed choice about baby nutrition and the nutritional products available.” But when they first made the request, they wanted—and let me just repeat it—the names, dates of birth and addresses of all babies born in Ontario in 1991. The request was for continuing access on a weekly basis over the next two years. The Deputy Minister of Consumer and Commercial Relations of course denied access. The matter went to an inquiry before the commissioner, and the commissioner declined the request only on the grounds of what was already provided for in the current Vital Statistics Act.

The assistant commissioner, Tom Mitchinson, said the following: “The Vital Statistics Act has historically been a confidentiality statute, predating FIPPA.” Basically, he said that parents at the time of providing information with respect to their child under the Vital Statistics Act would have assumed that it would be kept confidential and would not be disclosed to the public for commercial purposes. In his view, it would be reasonable for a parent to infer from this statement that the information on the form would be kept confidential except in the circumstances outlined on the form. “In my view, the names and dates of birth of the babies and addresses of the mothers were otherwise provided to the institution”—that being the ministry—“implicitly in confidence.” But it was only on that one particular section of the Vital Statistics Act that the assistant commissioner was able to support the ministry decision to refuse to disclose the information.

My concern is that the changes the government envisions now will somehow weaken, take away from or make less stringent those same requirements. I don't want to find us in a position whereby it becomes that much easier for information that should be confidential to be exchanged, to be disclosed or, as it appears in this particular bill, to actually be, in terms of the registrar

general, disclosed to persons or institutions as he or she considers appropriate, those institutions again being agencies, boards, commissions, corporations or other bodies inside or outside of Canada. So we do know there are any number of people who would like to get their hands on a lot more of people's confidential information and we need to be doing everything we can to make sure that doesn't happen.

I raise this also because right now those institutions will be designated in regulation, and we all know that the regulation process will be done behind closed doors. It will be done by cabinet. There will be no debate about the form and the shape and the contents of those regulations; they will just appear in the gazette when they have been passed by cabinet. It seems to me, with respect to whom we are disclosing information to, that ought to be a debate that we have in this assembly. The range of whom we disclose information to, in terms of what kinds of bodies, certainly inside and outside of Canada, is a matter that this assembly should be dealing with. It should not be dealt with at all by regulation. I trust that during the committee process, if the ministry has some very, very good reason as to why this provision is in place, they had better share it with us, because right now it would be the option of the New Democrats that that is not a provision that we find acceptable, and it should be stricken from this particular bill.

In conclusion, I say that we support the legislation. We are happy that it is going to committee. I hope some of the concerns I have raised tonight will be dealt with then.

**The Acting Speaker:** Further debate, the member for Vaughan-King-Aurora.

**Mr David Caplan (Don Valley East):** Is this his maiden speech?

**Mr Gregory S. Sorbara (Vaughan-King-Aurora):** I gave that one a long time ago. My friend from Don Valley East questions whether this is my maiden speech. In fact, I regret that I'm taking up the time of the House tonight to say just a few words on this bill. I have not yet had an opportunity during this Parliament to speak on any legislation, but back on June 28, as I recall, the voters of Vaughan-King-Aurora invited me back down to this House to represent them and now and again to make comments on the business of the province.

We, of course, support this bill. In fact, as has been mentioned by other members, this bill arose as a result of issues raised by the member from Ottawa South, our leader, on the ease with which one could obtain a birth certificate in Ontario. In these times of heightened security, wasn't this something, he asked, that the Minister of Consumer and Commercial Relations—if that's still what the ministry is—should be dealing with? I congratulate the minister for moving rather quickly to examine the matter, to respond and to bring legislation in the House to deal with the matter and to make it quite a bit more difficult and add very significant security measures to the simple process of acquiring a birth certificate in Ontario.

**1930**

While we of course support this bill and support the new system that will be implemented, I guess my perspective on it is somewhat different. My perspective is that I really lament that we have to do this at this time. I liked the Ontario in which you could come to this government building down here and give them a little bit of identification and get your birth certificate. I liked the Ontario where in a matter of two days you could go to the passport office and give them the documentation and get your passport.

I sat in this Legislature from 1985 to 1995, and I liked the Ontario Legislature in which any citizen, any visitor, could walk unobstructed into this building, have a look around, go to an office, visit their MPP, go downstairs and have a meal in the restaurant, come and sit up in the gallery. Certainly, the thing that has changed most for me between my time in 1985 to 1995 and this Parliament is the added security—for me, a very heightened degree of security, just to get into the people's Parliament Building. I liked the way it was in 1985. I liked the Ontario in which most of us never locked our doors at night. I like it better than the Ontario in which most of us spend a lot of time examining the qualities of home alarm systems and having the latest degree of security. I went to visit my dad in the hospital the other night and I noticed on the elevator it said, "Premises subject to video surveillance." I liked the Ontario in which we were not constantly subject to video surveillance.

As we debate here in this Legislature tonight, in the federal Parliament, the federal Minister of Justice has presented a bill—talk about security—a sweeping bill to really change the security issues in Canada and refocus the debate. For the first time in a very long time in Canada, we will have arbitrary powers of arrest. The issue up there will be, how close to violating the charter is the bill that the federal Minister of Justice has presented to her counterparts in the federal Parliament? I liked the Canada in which we didn't have to have arbitrary powers of arrest and detention. I liked that Canada better. Although we have to debate and pass this bill to make the acquisition of a birth certificate more difficult and more secure, I would like for one or two days in this Parliament for us to debate what it is that is happening to us as a people that we find ourselves in these circumstances.

Yesterday, the Prime Minister of the country was in Halifax seeing off troops that were going to fight a war on terrorism. I liked it better when young men and women in Canada were not going off to fight a war on terrorism.

I liked it better when the nightly news was not led off with an update on an enormous assault on Afghanistan. I liked it better when we didn't have to do that, and I would like it if one day we could consider in this Legislature what is happening to us as a people in Ontario, in Canada, in North America and around the world.

My first day in this Legislature, we had a two-minute opportunity to say our piece on the tragic circumstances

that have befallen us since the events of September 11. I liked what we were talking about here and around the province and around the country before September 11 better than I like what we have to talk about now. But these events are upon us, and yet we have not yet begun to talk about how we get to the place where it's easy again to get a birth certificate, where it's easy again to get on a plane and go through customs and go to our destination without fear and without video surveillance and security that make our lives lives of fear. I liked that kind of life better.

But we're confronted with these circumstances, and even here in Ontario, I don't think we've begun a debate, at least in this Legislature, about how to accommodate ourselves to the new world we find ourselves in. It's trite now to say that everything has changed. Things are changing very rapidly in Ontario, and it's not just about how we are going to get a birth certificate. The events that have befallen us over the past while change a lot of things, including how well we are going to do economically as a province and how many thousands of people will no longer have work because we're not travelling any more and we're not visiting any more and we're not doing business any more.

If that's what we have to deal with, I would like the Minister of Finance to come into this Legislature one of these days and let us, the people of Ontario, know what our real circumstances are. I wasn't here, but certainly I paid attention to the budget he presented—what was it?—seven or eight months ago. Well, you might bring that budget home to the grandkids to crayon on because it has no further meaning. I would like it if the Minister of Finance would come here and speak to us openly and honestly and without a whole bunch of political rhetoric about what circumstances we find ourselves in economically.

Certainly all of us are going to have a more difficult time getting our birth certificates. We agree that we have to do that, at least for now. But we don't know whether or not in the coming months we're looking at economic growth of 1% or maybe "negative growth"—a foolish phrase—or shrinkage of the economy because of the circumstances that have befallen us since September 11. I would like it if the Minister of Finance would simply do that. I would like it, notwithstanding the announcement by the Premier yesterday of his search for a quieter, gentler life, if the government would not indulge too much in the leadership and convention politics that are going to occupy them over the course of the next six months and would pay some attention to this province's business.

It's not just going to be about how many guarantors you need to get a birth certificate. It's going to be about whether or not we can develop creative ways to combat an economy that is slowing down, whether or not there are going to be some creative ways to replace the shortfalls in some sectors of the economy with public initiatives—oh my God, public initiatives, government actually doing something, government actually investing.



I would like to hear whether the government has any ideas in that regard.

We're going to pass this bill here and we're going to send it out to committee. It's going to get third reading and royal assent and there will be regulations, and all of us will learn about the forms with guarantors to get birth certificates so that we can identify ourselves. We are going to grow accustomed in Canada to the notion that, now and again, people will be arrested and detained and held without charge in our fight against terrorism. But I would like it if we, as the representatives of 12 million Ontarians, can pretty soon start to talk about how we reshape ourselves and how we start to grow the peace that will allow us the freedom and the luxury of an "insecure" life of the kind that most of us remember, and certainly long for, since September 11.

**The Acting Speaker:** Pursuant to the motion earlier this afternoon, I shall put the question without further debate or amendment.

On October 15, 2001, Mr Sterling moved second reading of Bill 109. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the motion this afternoon, at the conclusion of the second reading stage of the bill, which is now, the bill shall be referred to the standing committee on general government. So be it. The standing committee on general government shall be authorized to meet in Toronto for up to two days for clause-by-clause consideration of the bill. Further, the standing committee on general government shall report back to the House not later than November 1, 2001.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** Sadly, I move adjournment of the House.

**The Acting Speaker:** Minister Johns moves adjournment of the House. Is it the pleasure of the House that the motion carry? Carried.

This House stands adjourned until 10 am tomorrow.  
*The House adjourned at 1943.*

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Second Session, 37<sup>th</sup> Parliament

**Assemblée législative  
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**Official Report  
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(Hansard)**

**Thursday 18 October 2001**

**Jeudi 18 octobre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 18 October 2001

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 18 octobre 2001

*The House met at 1000.*

*Prayers.*

## PRIVATE MEMBERS PUBLIC BUSINESS

### RETAIL SALES TAX AMENDMENT ACT, 2001

### LOI DE 2001 MODIFIANT LA LOI SUR LA TAXE DE VENTE AU DÉTAIL

Mr Parsons moved second reading of the following bill:

Bill 54, An Act to amend the Retail Sales Tax Act to provide an exemption for fire education equipment /  
Projet de loi 54, Loi modifiant la Loi sur la taxe de vente au détail pour prévoir une exemption à l'égard du matériel d'enseignement des mesures anti-incendie.

**The Deputy Speaker (Mr Michael A. Brown):** The member for Prince Edward-Hastings has 10 minutes for his presentation.

**Mr Ernie Parsons (Prince Edward-Hastings):** At the time this bill was introduced in May, I think it's fair to say that I shared a weakness that much of Ontario did, which is that we took firefighters for granted. They were there, they did their job, but we didn't pay a great deal of attention to them. I think the horrible, tragic, cowardly act on September 11 made us realize how brave they are and what a vital part of this province they are.

Now, fire protection in Ontario is provided by both full-time firefighters and volunteer firefighters. For much of Ontario, the fire protection is from volunteer firefighters. It's rather unique in that not only do they volunteer their time and commitment, but they are expected—or need to—fundraise much of their own resources for it. There are a considerable number of fire trucks and a considerable number of vans that have been purchased because volunteers in the community came together and bought them. That's rather unique. We don't ask our police forces to purchase their own cars and yet we have an expectation that volunteer firefighters will.

The reality is that whether they're full-time or part-time volunteers, they are of equal importance to us. For rural Ontario, we simply wouldn't have fire protection without that. So I would like to pay tribute to the individuals who have committed their time to doing this,

and indeed to their families. I've had firefighters share with me how many a Christmas or a holiday or a birthday or something special for their families the beeper goes off and they disrupt their own personal lives to go—so not just for firefighters but for the families also. This province is blessed to have the commitment they have.

This bill came forward as a result of an activity in my riding of Prince Edward-Hastings. All the volunteer firefighter organizations, from both the Hastings county side and the Prince Edward county side, went together and purchased what is called a fire safety house. This is a rather unique vehicle, and the outward appearance is that of a trailer, but it is specially produced and equipped to provide fire education. It has facilities to replicate smoke coming into a house. They have the ability to heat the doors so that they can teach individuals, if they're in a room in a building that's on fire, how to sense which is the best exit.

These volunteers raised \$50,000, hard work, going through the community—a special note of appreciation to a number of automobile dealers, though, who put a considerable amount of the funding forward. But by and large, the money came from individuals out on the street. Not only do we expect our volunteer firefighters to attend at fires, attend training on a regular basis and be on standby every minute of every day, we also have the additional expectation that they go out and fundraise to purchase fire education equipment. I applaud \$50,000 out of a relatively small rural community to do that.

They take this fire safety house around to fairs and give people an opportunity to go through it. They take it to each of the schools; children in the schools get an opportunity to have a lesson in how to react in a house on fire.

On a personal note, we had the misfortune at one time to have a fire within our home. Although my wife and I were quite calm and clear-headed about it, our children were more than excited when we woke them at 1 o'clock in the morning and said, "The house is on fire." When we told them that, it was obvious to us that not only were they excited; they recalled the experience they had when volunteer firefighters came to their school to teach them what to do. I should note, these volunteers are on their own time when they go to schools to do the training. So our children were able to respond. I read on a fairly regular basis in the newspaper where it is the children in a family in a house or building that's on fire who provide guidance to help the family get out.

They got this money and used it to purchase the house and take it around. We owe them a deep debt of thanks



but, instead, the thanks they got was a bill for about \$4,000 in sales tax. The province said it would exempt fire purpose vehicles. That's a fairly vague sort of phrase, but it has been interpreted to mean that fire safety vehicles consist of the trucks themselves. This trailer, in my mind, and I believe it will be in the minds of most members in this House, is a fire purpose vehicle. This is to prevent fires. Surely it is better to prevent a fire than to fight a fire.

But instead of saying thank you, they received a bill that required them to go back out and fundraise \$4,000 more. I would suggest to you that when people in the community were donating to the firefighters, they had the expectation that their money was going to be used for fire prevention and firefighting within their community. They did not realize that the current legislation made our volunteer firefighters into tax collectors and that they in fact were collecting the \$4,000 to send off to Toronto.

They made numerous appeals that their fire safety house be classed as a fire purpose vehicle. Indeed, it has the capability, when going to a major fire, to be used as a central command post so that there can be a coordination of the firefighters from the various halls or even from various forces.

This is one instance in one little community where I believe the current legislation provides a great disservice to the people of our community, particularly to the volunteer firefighters. The \$4,000 that they collected in taxes could have been used for fire prevention material to give out to the students and all kinds of other options that would have served to prevent fires.

1010

What a horrible way to thank our firefighters in my community. But then, when the bill was introduced, I realized that all across Ontario we have literally thousands and thousands of firefighters who have been in the same boat. We are relying for police protection on forces that are funded by the province or by the municipality. In much of rural Ontario we rely on bake sales for our fire prevention, bake sales for a service that is equal in importance to police services.

Everyone hopes they won't ever have to call the fire department, but we need to know that the maximum resources possible have gone into it. That means the money raised in the community should be used for fire prevention. I am looking for support this morning to rectify what I believe is a grave injustice. It is a devaluation of the work of our volunteer firefighters when we require them to serve as tax collectors and we don't funnel the money into the particular areas where it's supposed to go.

I would like to pay special thanks to an individual named Bob Pierce. Bob Pierce was a fire chief in Sidney township at one time and I believe in Thurlow township subsequently. Bob has devoted literally hundreds of hours to our community and equal hours to fundraising to continue to fight for fire prevention. Bob, as fire chief, I know saw some horrible cases where there were fatalities. I hesitate to name Bob, because so many others

worked on it, but Bob was the sparkplug who said, "What we need to do is prevent the fires." It was Bob who actively worked to raise this money to make this home to go around to the community.

There are another 2,000 Bob Pierces in Ontario who are devoted to a very special calling. In the last five or six weeks I think all of us have become aware of the risk they take every time they leave. There was a horrible terrorist thing in Washington and New York, but we know that over the years individual firefighters, both full-time and volunteer, have paid the ultimate price to protect us. These are individuals who are prepared to put their lives on the line when they leave their homes or fire stations to come and fight fires. We owe them a better thank you than, "Go back and collect some more money, please."

I urge the members to support a bill that would allow our firefighters to concentrate on what they do best, which is to prevent fires and fight fires. I thank you for this time and I look forward to the debate.

**Mr Gilles Bisson (Timmins-James Bay):** I just want to say that the NDP caucus will be supporting your resolution this morning. We believe it's a good idea. We know that firefighters across the province work extremely hard in our communities, as do other professionals in emergency services, such as the EMH people, police officers and others. We certainly saw that on September 11. The people everybody turned to were the people we recognize as the heroes of what happened on September 11, and were those emergency workers, EMH workers, firemen, police officers, all the people who are engaged in the public service to do that, many of them as volunteers as well.

We think as well, on the whole issue of one fundraising to buy equipment that's going to be utilized for emergency services or such, that it does make sense to exempt that from the PST. It would be a good idea because, again, it's a way the province is able to show that we want to support in a direct way the activities of our firefighters and others who are doing those types of activities. We will support that particular legislation. We think it's the right way to go.

The other thing I want to say, which gives me an opportunity to talk about the PST, is that our caucus and our leader, Howard Hampton, have put forward a proposal in this Legislature, and for the Premier, that a way of stimulating the economy would be to reduce the PST at a particular point before Christmas in order to encourage consumers to go out and spend those hard-earned dollars and get the economy going. We're suggesting by way of example that the government could, if it chose to, do a partial reduction in the PST on all goods between now and Christmas. That would give retailers across the province the opportunity to say, "Come into my store. Come and buy. There's a PST holiday," to promote their goods and their businesses. I'm certain the retail sector would welcome it and probably participate and say, "Hey, we're prepared, as a business, to pay the GST," so there's a complete holiday for people who are trying to buy goods before Christmas.

Because of what's happening with the economy, we're seeing that the hotel and restaurant industry is severely affected by what's happening with people's travel plans because of the scares that are going on throughout North America right now. One of the things we could do in Ontario, because we are a safe jurisdiction for people to come and visit—we're not identified as a target of terrorism and we certainly hope that we will not be, and I consider we're a very safe place to come to—is to encourage people to come by saying, "Hey, listen. We're going to have a temporary freeze on PST altogether for restaurant meals and entertainment here in Ontario. Please come and enjoy this beautiful province that we call home and that we want to share with you." It would certainly do a lot to stimulate people touring and utilizing the facilities of the tourism industry, from restaurants to hotels to whatever. We think that would be an appropriate thing. So I say to Mr Parsons that I hope you will give our proposal some support in being able to stimulate the economy by saying, "Yes, we too," as either an independent member or as a Liberal caucus, "will support Howard Hampton and the NDP when it comes to their fight to convince the government to reduce the PST for a period of time before Christmas in order to help stimulate the economy and get things going."

We argue that the government's approach of saying, "It's only by reducing income tax that we're going to be able to stimulate the economy," is wrong-headed. Their argument has been, and I just want to make this point very quickly, that the economy of Ontario has benefited because of the tax cut—that's what I've heard here for six years—and that only because of the reduction of income tax have we seen the kind of rebound that we've had in the economy since 1993.

Well, first of all, the tax cuts didn't happen until 1996, so it's beyond me how they equate the tax cut to what happened from 1993 to 1996. But the point is this: the economy is falling and you can't have it both ways. You can't say stimulating the economy is only by way of an income tax cut, and then, when the economy is falling, still say that was the reason the economy was climbing, because the economy is going down. So clearly income tax cuts are not the real stimulus that we need in order to be able to get the economy going. A real way to do that would be to do a number of things, one of which we think is on the retail sales tax, because that's the tax people save.

On the income tax side, we know that for the average taxpayer out there the entire accelerated tax cut the government is now proposing amounts to \$16 in one person's pocket. That's not much of a stimulus. Certainly you will stimulate, if you reduce the PST, to a much greater degree.

So I support the member's bill, and I would suggest other members also support the resolution and proposal we have, which says we should reduce the PST over a period of time as a tax holiday before the holidays and at the same time remove the tax from restaurants in order to help the entertainment industry.

With that, I'm sure my good friend Mr Marchese will have something to say.

**The Deputy Speaker:** Further debate?

**Mr John O'Toole (Durham):** It's my pleasure, as parliamentary assistant to the Minister of Finance, to respond to Bill 54.

Before I do that, I want to make it very clear that in light of September 11 and in general respect for firefighters, this government and I think all members of this House just two weeks ago rose and spoke very supportively and respectfully to all of those involved in community safety: fire, police, ambulance etc.

That being said, I live in a community where there's a mixture of emergency services, and certainly I would start by saying that a week ago I spoke in the House with respect to the opening of a newly renovated fire station at Scugog in Port Perry. I might add, for the record, that that community does a lot of work for outreach and fire prevention. Fire Prevention Week was the week that I spoke in. That group of 50 volunteers who make up that Scugog fire services is led by Deputy Chief Rob Gonnermann and District Chief Dave Ballingall. They work with the volunteer firefighters.

At that opening, about three different organizations within the community came forward with significant contributions toward defibrillators, again all done by service clubs and volunteers and fundraisers, and I commend them for that action.

#### 1020

In the municipality of Clarington, which is a mixture of full-time and part-time, in the last few years they have also voluntarily raised a considerable amount of money and, I might say, time and talent by the firefighters and the community to build a fire safety house, which is part of their outreach and fire prevention education. That's not something new. It is part of the overall requirement of those services in the community to be engaging the citizens to be supportive.

I want to be on the record as saying that the Ontario retail sales tax already exempts firefighting vehicles purchased for more than \$1,000 for the exclusive use of municipalities, universities, public hospitals, local school boards or volunteer groups.

Most fire departments in Ontario already offer comprehensive fire safety education in their communities, often bringing activities, vehicles and equipment to those events. Firefighters visit schools and talk to children, and they allow community groups such as scouts and guides to visit and tour the stations. So it's not something new.

I would only say that while the immediate impact of this special fire education equipment exemption is estimated to cost less than \$1 million annually, extending the current sales tax exemption to include fire education equipment would have a broader fiscal implication, as many other organizations also use taxable equipment in public awareness and public education, and indeed in public safety.

The positive part of this is to respect the member on the other side for working with his community, and I



commend him for it, while at the same time recognizing that's the first time I've heard the Liberals talk about a tax cut. It's a healthy beginning for them to think that way, but also, don't deprive the volunteers and fundraisers in the community who work tirelessly. This province, I believe, supports them and this legislation is a good first step. I'm waiting to hear what other members say about this legislation. I'll be sharing my time.

**Mr Rick Bartolucci (Sudbury):** I'm pleased to stand in support of the member for Prince Edward-Hastings with regard to Bill 54, An Act to amend the Retail Sales Tax Act to provide an exemption for fire education equipment.

I would suggest to members in the House and to the people of Ontario that September 11 changed the way we think. We all have very personal stories, we all have very sad memories, and there has been a profound effect on the people of Ontario in each of our communities with regard to the disaster of September 11. From a very personal perspective, my wife has a cousin who is a fire captain in the New York fire department. Charlie Vella is his name. Charlie has been a pallbearer 11 times in the last month. He has lost 58 of his very close friends. No one can imagine the impact that would have on an individual unless you have lived the experience. Our thoughts and prayers go out to everyone who has been immediately affected and everyone who has been affected in a broader spectrum.

Getting back to Bill 54, the member for Prince Edward-Hastings outlined a personal situation that it seems could have been addressed in a very simple way if the minister would have just defined the regulation a little differently. It would have expedited the money going back to the community and there would have been no purpose in bringing Bill 54 forward. But I guess that is the essence of this government: they don't always operate in the best interests of individual municipalities, and certainly they don't always operate in an expeditious manner when it comes to dealing with the needs of municipalities.

We have historical evidence in Sudbury with regard to this particular exemption. In Rayside-Balfour, we're in the process now of putting forward a fire education centre. Our community, our municipality, would certainly benefit from the exemption in the provincial retail sales tax. I urge the government to adopt the private member's bill. It is a good bill. It is in the best interests of firefighting services and in the best interests of municipalities, because every municipality in Ontario has a fire education component attached to it.

Several years ago, about five years ago, I was fortunate enough to work in conjunction and collaboration with Fern Borque, Marc Leduc and Chris Stokes in the preparation of a fire prevention manual. It was an education manual. We did it together because the municipality didn't have the resources necessary to put something like this together. We were able to combine our skills and opportunities and put forth what the community has now come to believe is a very important document.

I think the responsibility is with the provincial government to maximize the opportunities that are in the best interests of individual municipalities and individual municipal services. This is a perfect example. This is a concrete idea that will benefit every single citizen in Ontario because it will enhance fire education opportunities and programs for individuals and municipalities collectively to make Ontario a better place, a stronger place and a safer place. It's the reason the member for Prince Edward-Hastings brought forth this private member's bill. I urge the members on the government side to adopt his private member's bill and give it very quick passage so everyone can feel safer.

**Mr Rosario Marchese (Trinity-Spadina):** Welcome, good citizens of Ontario, to the political forum. Do you know how early it is? It's 10:27. It's like singing opera in the morning. It really is hard to get going in this place so early in the morning, don't you find, Speaker? You've got to find the energy deep in to be able to participate in these discussions, but here we are, happy to do so and happy to support the member for Prince Edward-Hastings. His motion is a good one.

**Hon Rob Sampson (Minister of Correctional Services):** Oh, another taxfighter. I found one.

**Mr Marchese:** I'm going to distinguish between what we say, member for Mississauga Centre, versus what you say, because there are differences.

First, I say to the member for Prince Edward-Hastings that this bill would exempt from the retail sales tax all fire education equipment over \$1,000 used by municipalities, universities, local services boards and/or volunteer groups. It's a good thing. Why is it a good thing? Because what it does is support people who work for the public good, and that is not only good, it's just. When people who are protecting the public, such as firefighters, go and purchase some item that is used for the purpose of helping and saving lives, we tax that equipment. It almost doesn't make sense. That's why I support the bill before us.

Is it a good measure? Yes. Is it better than an income tax cut? I say yes, it is. Here are the differences I want to wage with you, member for Mississauga Centre.

**Hon Mr Sampson:** I want to hear how you're not a Liberal today.

**Mr Marchese:** I'm not a Liberal today because the federal Liberal Party promised to get rid of the GST, said that it would, and didn't when it got into power. It worries me when a government makes such a big promise and reneges and still gets re-elected. Now it is true that when the New Democrats were in power, we promised to make the auto insurance system public, quite true. We failed in that regard. We didn't do it and we got punished. But when the Liberals don't keep their promise around the GST federally, do they get punished?

**Hon Mr Sampson:** No.

**Mr Marchese:** No, they don't. They still get re-elected. How does it work? We've got double standards in this country, and it's got to change. But that's another problem and another level of government. We're not

dealing with that today. We're dealing with a measure that I support.

**1030**

But to distinguish New Democrats from the rest—Liberals and Tories on either side—here's what we say. We argue, as New Democrats, that the income tax system is a fairer system. As a policy tool, a fiscal policy tool, it is a better way to collect money, because, you see, governments need money to help firefighters, to help the police, to help every possible program the government runs to help people. We need governments, and we need money to be able to run this shop.

And so an income tax system is one of the fairest ways to collect money. And why is it fair? It's fair in this way: if you're earning a million bucks, a million and a half, like a lot of bankers do, God bless their little souls, they pocket a whole heap of money. It goes deep into their pockets and, God bless them, they're doing OK. They buy the big homes in Mississauga and in the Bridle Path and God knows where else there are big homes; big, big homes. I'm not just talking about homes, but what is within a home is probably more expensive than what is outside.

So they have the money. And I say the income tax system should get to those deep pockets and bring it back and share it with the public so that we can provide the services that we all need, little guys and the big guys. That is the system that I support, and I support a system that's fair, because there are so many of these big guys with deep pockets, with a whole heap of money, that find the way legally, through the tax system, to squirrel money away all over the place, and they pay no taxes. God bless the system and God bless the moneyed individuals who know how to protect it and hold it back so that governments have no way of getting at it so as to prevent the little guy from sharing in the wealth, from sharing in the fact that you deposit your money into their banks, and they pocket big time. Good times or bad times, they pocket big time.

So the income tax system, young people watching this program today, is a better system. When your dad or mom pays income tax, it means it comes to us, and we use it to give you a health care system, to give you and the senior citizens a break that they desperately need, to give you an educational system that you desperately need that these people are cutting away from. We need the income tax your parents pay.

But what have they done? You folks are young enough and old enough to understand. What did these people do?

**The Deputy Speaker:** Through the Speaker, please.

**Mr Marchese:** They said, "The rich people need a tax break. Rich people like the bankers who earn one and a half million bucks get \$120,000 back because, well, they need a break. They need a little more money to invest for themselves to get richer." And the bankers on the other side say that's good, because any money they get back will be reinvested back into their pockets, and that's OK.

So I say to you, young people and good citizens and taxpayers, what New Democrats have proposed by way

of a provincial sales tax freeze for a short while, while we are deep in the recession—and remember, young people, these are the very people who said that the income tax cuts that they were going to give since 1995 would make this economy recession-proof, meaning that bad times will never ever come. They said the income tax cuts will make the bad times go away. That's what these guys said.

Here are the taxfighters, the economists, those who manage the economy, who are so good at managing the economy that if their tax cuts were able to give us good times for five years, they are now causing a recession. You can't have it both ways. You can't say, "The income tax cuts have given us this great economy, but now that the times are bad, it's somebody else's fault." They used to blame the NDP. They can't do that any more, so they've got to find another enemy. I'm not sure who the other enemy is now.

When we New Democrats said, "The reason you're doing well is because the US economy is doing well," they would laugh and say, "Ha ha, that's not true; it's our income tax cuts, because we are so bright and so sharp economically. It's got nothing to do with the US; it's got to do with our fiscal brilliance. Income tax cuts will keep the recession at bay." Do you see how simplistic and foolish and dumb that is, Speaker, that they could even say that publicly for years and that some people would believe it?

The other foolish thing is, a couple of months ago, they announced another tax break worth about \$200 million, all gone because, disproportionately, that money goes to the corporate sector, whose pockets are deep and, disproportionately, that money goes to rich people whose pockets are deep. The little guy gets nothing.

The PST, on the other hand, reducing the sales tax, means that when a poor little guy who makes \$30,000, \$35,000, goes to buy an item anywhere, he gets whacked by 8% of provincial sales tax and 7% Liberal GST. Together, that's 15% every time you purchase anything when you go shopping. When you reduce the PST, every little guy out there who makes \$20,000, \$25,000, \$30,000, \$35,000, saves, under our NDP plan, 3%. So he or she can afford to buy something and saves 3% on any item, big or small. That helps the majority of people, and that's what we need.

**The Deputy Speaker:** Further debate?

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):**

I'm very pleased to join in the debate with respect to this private member's bill, which is entitled An Act to amend the Retail Sales Tax Act to provide an exemption for fire education equipment. The rationale for this, as I understand it from the letter that's put out by the member, is that although equipment used for firefighting is currently exempt from the 8% provincial sales tax, unfortunately, equipment purchased to be used for public education related to fire safety and prevention does not qualify for the provincial sales tax exemption. So what we're dealing with here is fire education equipment. Let's be clear about that.



I'd like to address this issue from a dollars and cents perspective. I'd like to do so because it's important to have an idea of what exempting fire education equipment will really cost. That's something that's not in this particular bill. It's our responsibility to consider the possible implications of such a move, because when we talk about how much something will cost, what we are really talking about is how much something will cost Ontario taxpayers.

We're being told that the immediate impact of a special fire education equipment exemption for volunteer organizations—and the member very capably sets out that agencies such as universities, municipalities, public hospitals, local service boards and volunteer organizations would be eligible to apply for and receive a PST exemption for each piece of fire education equipment costing in excess of \$1,000 under the provisions of the bill. So there's a monetary limit there in terms of where this exemption would apply.

Now, we're being told that the impact of a special fire education equipment exemption is estimated to cost less than \$1 million. That's only the immediate impact. Extending the current sales tax exemption to include fire education equipment could have broader fiscal implications, as many other organizations also use taxable equipment in public safety education. So looking at the thrust of the member's bill, certainly he's trying to focus on this particular area, but there are other areas that you should look at. So my only question to the member would be, why don't you broaden it out to cover other organizations so that we have the full picture in terms of what type of equipment that deals with public safety education should he feels be exempt?

1040

When we announced this year's budget, it was based on fiscal responsibility, accountability and growth. Our government must be both responsive and responsible. Our government must also be both efficient and effective. In order for us to continue this way, we must act responsibly. That's why we should have the whole picture rather than a piecemeal approach in terms of dealing with fire education equipment. We should look at all the areas of public safety education.

The people of Ontario need us to think ahead and exercise discipline through strong leadership and prudent management of their money. Every day families across Ontario make responsible choices in managing their own budgets. They expect government to do the same thing, and in this instance, that's what we're doing. We don't think that in the long run, this exemption from the retail sales tax is a fiscally responsible thing to do. Taxpayers expect and demand that the government deliver high-quality services at the lowest possible cost. They expect to receive value for their money.

Since being elected, this government has taken many important steps to both improve the services that it delivers to the public directly and report what it is accountable for. The process of improving accountability started in 1995 and continues to this very day. We're not

about to stray from these principles by making a special exemption for fire education equipment. We should be focusing on public safety equipment in its entirety. Some members are mentioning that the September 11 issue brings this to the fore. The September 11 issue is not something that's related to this at all. What we're talking about is public safety education. I'd say to the member, why don't you broaden it? I would put that to the member right now. He's not listening to me, but I would put that to him. If you want to deal with a public safety equipment exemption, put it all out there so everybody knows what we're dealing with.

We have to be responsive to the needs of the people of Ontario. All I'm saying is the member's intentions are honourable. The member is trying to accomplish something in the fire safety area. I'm saying, why don't you broaden it so we have a look at what we can try to accomplish for the entire area? Because that's the intent of this, to deal with public safety education equipment, not to approach this area piecemeal.

The point has to be made that the equipment used for firefighting is already exempt. It's already exempt, so that's not an issue. Let's not confuse things. What we're talking about here is public safety education equipment. I say to the member, broaden it out; let's have the whole picture in terms of what we're trying to deal with here. Let's not deal with a piecemeal approach to an issue.

**Mr Dave Levac (Brant):** I'm going to make a recommendation. The last exchange between the NDP and the Conservatives was a little bit of a disadvantage for us backbenchers here. Maybe I'm suggesting that we should put a mirror up there at the top so we get to see the gallery directly behind us, because I wanted to talk to the kids, too. Nonetheless, I think that's a logical thing we should look into later down the road.

What we're talking about is exactly what the member is intending to do. The member from Prince Edward-Hastings has offered this Legislature an exceptionally bright idea. Why? Simply because it levels the playing field. We are already exempting the PST, the provincial sales tax, for municipalities that have professional firefighters and full-time firefighter services. They are getting that already for prevention and suppression. Suppression is the firefighting equipment that's necessary to put the fires out and be proactive. Prevention, which has been the bent of this government's initiation through the fire marshal, is to improve circumstances so we don't need suppression as much. Quite frankly, the statistics are showing that because of preventive measures and education, that's diminishing, that's coming down.

So the reality of the day is that the member from Barrie-Simcoe-Bradford is blowing smoke. He's trying to say we don't want to spend \$1 million. That's what he's saying: we don't want to spend \$1 million. Why? Because it's going to cost us a little bit of money for those tax cuts. We can't spend it, he says.

Why shouldn't you spend the money? We're talking about education to prevent the use of the suppression. We're being proactive. They're disadvantaged in the

small communities across Ontario. Why? Because of the volunteerism that's required to raise the money to buy the fire truck in the first place. We've got examples across the province where 100% of the money to purchase a fire truck has come through boot drives. You know those boot drives that were created through—whoops, wait a minute. The squeegee bill, the Safe Streets Act passed by this government, did something to small towns in the province that they were warned it would do. They were provided with an opportunity to get out of the problem, and here's what happened: the Safe Streets Act prevented the firefighters across Ontario from doing those boot tolls that all of you are familiar with—except maybe in larger metropolitan areas—where the fire department would go out in their truck, park their truck at the side of the street, put up the cones and act in a very safe way. The OPP would co-operate, the municipal forces would co-operate and they would allow the trucks to set up; the firefighters would stand and put the boots out and the drivers would drive by, open their wallets and put some money in. Guess what? That stopped as a result of the bill passed by this government. It stopped.

By the way, we now have the figures. Hundreds of thousands of dollars have not been collected in the province of Ontario for charity because of that bill. That bill has stopped charity from getting the hundreds of thousands of dollars it normally collects. So what happened? The member from Essex, my own colleague Bruce Crozier offered an amendment to the act that exempted those boot tolls from not taking place. What did the government do? Thumbs down. Why? Because they would have had to admit they made a mistake. If they had admitted they made a mistake, hundreds of thousands of dollars today would have been collected for the Multiple Sclerosis Society and many other charities across this province in small-town Ontario.

They don't want to admit they made a mistake, and that's exactly what the member opposite has been saying: \$1 million is too expensive for education. Because that's exactly what we're trying to do: prevent volunteers in small towns in Ontario from paying extra money that could go to education, because it takes too much effort and work to raise that money on a volunteer basis.

I say shame on the government for standing up and pretending that they're protecting the taxpayers of Ontario. They're not protecting the citizens of Ontario, because education is the great leveller here. The fact is that the small town in Ontario with volunteer firefighters is just as important and just as valuable as any other community in Ontario.

We've got an opportunity here to right a wrong, and the wrong is very simple. You're applying a tax that you've exempted everybody else from to a small town that has to raise funds to even buy a fire truck. So I say shame on the government for not stepping up to the plate and not standing up and saying, "You've got a great idea. We're going to make sure it happens."

The member from Durham, the parliamentary assistant to the Minister of Finance, stands up and what's his first

comment? "It's going to cost us \$1 million. We can't do it." What does the member from Barrie-Simcoe-Bradford stand up and say? "We can't do it. It's going to cost too much money." At what cost do you say to the people of Ontario that we're not going to educate them and provide that opportunity?

**Interjection:** They spend it all for newspaper ads.

**Mr Levac:** So we're going to spend millions of dollars on newspaper ads saying how great you are.

Stand up; be counted. I challenge you on a private member's bill. Use your hearts and your brains together and say that we're not going to allow this little loophole not to be filled. The member on this side from Prince Edward-Hastings has found a problem that he wants to correct for the small towns in Ontario. I think it's laudable. It's the right thing to do. What I say to you today is, I'm going to challenge the government to stand up and say it's worth \$1 million to protect the people of Ontario.

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to rise this morning. I welcome the young people who are in the audience seeing the debate this morning. I want to commend the member for the Retail Sales Tax Amendment Act, Bill 54.

*Interjections.*

**Mr Dunlop:** I guess we've got the chirping going on again this morning. They just keep chirping away over there.

It's interesting. A couple of things I want to talk about are some comments that were made earlier, first of all, on the fire safety houses. They're great projects made by a number of communities across our province.

**1050**

I have two organizations with fire departments in my riding that have very successful fire safety houses. They mainly go to the malls and schools etc, and they are good. They do a good job. One particular fire safety house even has a re-enactment sort of thing of a tornado in it.

The other comment I would like to make is that many fire departments are still holding fundraising events across the province. I've had numerous ones throughout my riding, and there's been absolutely no problem. Some of them are holding them on municipal streets, some of them are holding them in parking lots and service stations, and they're raising lots of money. I don't know where you're getting that we've shut off all the funding in the province. I think that's a mistake in saying that.

I really appreciate the comments made by the new tax-cutter over here, the member from Trinity-Spadina. It was interesting to note that he talked a little bit about Jean Chrétien and the GST and the big promises. Remember Jean Chrétien was going to be the tax-cutter and get rid of the GST? "Well, you know, we made a mistake. We did need that money to balance the federal deficit."

What else did they do at that time? They cut money from health care. Remember that? Six billion dollars. Today in the province of Ontario, where the citizens of



Ontario pay \$2 in income tax to the federal government for every dollar they pay to the provincial government, they are still \$66 million behind what they were in 1994-95. We're paying \$5.8 billion more, and you know it. You keep putting up with and listening to Allan Rock, that so-called Minister of Health. It makes me sick to think that man is actually the Minister of Health of this country.

**Mr George Smitherman (Toronto Centre-Rosedale):** That's unparliamentary.

**Mr Dunlop:** It is not unparliamentary. It's a fact of life. He's paying—

*Interjection.*

**The Deputy Speaker:** Order. This is not a duet or a chorus. One member has the floor. He will speak. One at a time. The member for Simcoe North.

**Mr Dunlop:** That's after he destroyed the so-called gun legislation. A fact of life. I think it's \$600 million or \$700 million a year now. There was a complete mess on that. He's done the same with health care, and he blames the provinces around this country.

*Interjections.*

**Mr Dunlop:** You just don't want to hear it, and none of you fight for it. That's the other thing: you won't fight for health care.

**Mr Smitherman:** What do you do?

**Mr Dunlop:** We spent \$5.8 billion more. That's what we've done here.

Besides that, what we're talking about today is this particular Bill 54. Although I think in principle it's not a bad idea, it's very limited. It should be far broader as far as its intent, because there are many organizations that provide educational assistance to organizations throughout our province and throughout our country. That would be maybe more of an intent. But at this time you have to remember that these two parties over here voted against 166 tax cuts, which put \$1,800 a year back in the pockets of a family earning \$60,000. You know what? That gives them money to contribute to things across the country: buying cars, buying houses, buying clothing for their children. I don't see anything wrong with that.

But now we've got these little nickel and dime types of bills which deal specifically with something. You're in favour of that, but you're absolutely opposed to tax cuts. I cannot understand why.

Now, we've got these guys coming around a little bit. They're thinking a little more along the lines of provincial taxes. At this time I would compliment some of them. But you people voted against every tax cut and now you've become the tax-cutters on this particular Bill 54.

Mr Speaker, it's been a pleasure to say a few words to you this morning, and I compliment everyone else for speaking.

**Mr James J. Bradley (St Catharines):** It's nice to have the opportunity to speak to the bill. I'm glad that my colleague Mr Parsons has brought it forward. He obviously identifies a major concern, and that is education

surrounding fire prevention and the way to deal with fires.

His own personal experience was rather revealing, the fact that his children had also learned something about how to deal with a fire at school. Even though it is a panic situation when it does happen, that was very helpful.

The designated ways of helping municipalities or individual organizations that he has listed in his legislation are extremely helpful. We usually develop a consensus on that in the House.

The government has chosen to give a \$2.2-billion cut in taxes—a gift, I would call it—to the corporations of this province. We know that those corporations contribute substantial amounts of money to the Progressive Conservative Party. There are those who would call that—of course, I wouldn't be one of those who would necessarily make this accusation—payback for the legislation. When they give \$2.2 billion in corporate tax cuts to those corporations, we see that they seem to fill the halls. I know in St Catharines when the Premier comes for the Premier's dinner, it's full of the corporate elite of the Niagara Peninsula saying, "Thank you for giving us a tax cut." Well, here is a tax measure which I think is beneficial.

The member for Scarborough Southwest, on the government side, before he was in the cabinet, advanced the case in a private member's hour for a specific tax exemption. I thought it was designated, I thought it was specific, I thought it was helpful in achieving a specific goal. I supported it on that day, just as I would this measure, which I think can be of immense benefit.

I want to thank Mr Parsons for bringing it forward. That's the purpose of the private member's hour. He also mentioned, as have my other colleagues, Mr Levac and Mr Bartolucci, that there should be in the province a recognition of the significant role that firefighters play. Probably the incident which focused the greatest attention on the role that firefighters play in our society was the unfortunate and horrific circumstances of New York City and Washington on September 11 of this year, the day of infamy, as it is often called.

We see that our firefighters put their lives on the line on a daily basis. When they go to the fire station or when they're called to the fire station, they're going out into circumstances that are often unknown and unexpected. Their families do not really know if they are going to return home. Chances are they are, and for that we're very thankful. Firefighters in this province and across the world play a very substantial and significant role—in firefighting, yes; in rescue, most certainly. They are the people who often have to go to an accident to extract people from vehicles. They see some horrific sights on a daily basis.

We need to help educate everyone in fire safety and fire education. The specific provisions of this bill from Mr Parsons will allow that to happen, and I commend it for support to all members of this assembly.

**The Deputy Speaker:** Response?

**Mr Parsons:** I would first of all like to thank the members for Timmins-James Bay, Durham, Sudbury, Trinity-Spadina, Barrie-Simcoe-Bradford, Brant, Simcoe North and St Catharines for their comments. Many of them were quite fascinating.

I was interested in hearing that this government's priorities are fiscal responsibility, accountability and growth. Public safety and security sure went off the radar screen pretty fast after what we heard two weeks ago. The people of Ontario aren't looking for the cheapest police services, emergency services, fire services; they're looking for safety and security.

This is a matter of priorities. I know it costs \$1 million. It's strange that today \$1 million is a lot of money. Last week, when the Premier ran ads in every newspaper, \$1 million wasn't a lot of money—\$6 million for education ads; \$107 million in the first four years for ads. It's a matter of priorities.

Firefighters lead dangerous lives. When they leave their homes, they put themselves at risk. Surely a priority should be that they don't have to respond to a beeper. Surely it should be that we prevent fires with equal concern as we suppress fires.

We know that the only payback for the \$1 million in ads last week was some publicity for the governing party, but we also know that fire education saves lives. That's been shown over and over. The \$1-million investment is guaranteed to save lives. There are no ifs, buts or maybes about it. This government has to take the priority of safety for our individual citizens, for our children. I am astounded that we put a price tag on someone's life in this province.

The minister could have changed this by regulation. I challenge him, when this bill becomes law, to make it retroactive and return the money to the firefighters in my riding and every other riding. The volunteer firefighters are there when we need them. We need to be there when they need us.

**The Deputy Speaker:** This completes the time allocated for debate on ballot item number 25, which is second reading of Bill 54. I will place the questions regarding this ballot item at 12 o'clock noon.

1100

### SOCIAL AUDIT

**Mr Michael Gravelle (Thunder Bay-Superior North):** I move that, in the opinion of this House, the Ontario government must conduct an immediate review of the health and well-being of any Ontarian, or their family, suspended from welfare benefits, and launch a broader social audit to assess the impact of the government's unprecedented welfare reforms.

**The Deputy Speaker (Mr Michael A. Brown):** Mr Gravelle has moved private member's notice of motion number 16. The member for Thunder Bay-Superior North has 10 minutes.

**Mr Gravelle:** In launching this debate on my resolution to have the government conduct a comprehensive

audit of its social welfare reforms, I want to take a moment to reflect on what may well be the single greatest tragedy of these reforms, the death of Kimberly Rogers. On September 24, the chief coroner of Ontario announced that he will be holding an inquest into the death of Ms Rogers, who died on August 9 while under house arrest for a welfare fraud conviction. While all the details surrounding Ms Rogers's death will not be known until the coroner's inquest is complete, the government and the public do know some extraordinarily troubling details that speak to the heart of an important part of my resolution.

We do know that Ms Rogers's crime was to draw welfare while she was also receiving Ontario student loans. We also know that the government's crown prosecutors successfully sought a penalty of a six-month house arrest and repayment of all the money. The government knew that Ms Rogers would have no means of income for at least three months of that six-month house arrest period, and we also know that since then, the welfare ban is now considered a lifetime welfare ban by this government.

The government did know that Ms Rogers was five months pregnant at the time of her sentencing. The government also knew that Ms Rogers suffered from prolonged medical conditions, including depression, and that her punishment would also cut off her ability to obtain needed prescription drugs.

The circumstances that the government's policies put Ms Rogers in should be a shock to all members of this House. Ms Rogers's plight did receive some media attention at the time of her sentencing, and even more attention when she successfully sought a court injunction to force the government to continue her benefits and drug benefits as well. She was one of the very few Ontarians who dared speak up and go public. Many suffer in silence; how many, we simply do not know.

Nonetheless, it was not until her death that most Ontarians were made aware of the horrendous circumstances surrounding the last months of her life. When the news of her death broke, most of us expected the government to take swift action to ensure that such a tragedy would never again be allowed to happen. Instead, the Minister of Community and Social Services said he wanted to get the facts before drawing any conclusions. Over two months later, this is still his position.

That is why the first part of my resolution would have the government review the health and well-being of any Ontarian who is presently suspended from welfare, particularly those who are currently serving a penalty that might prevent them from obtaining an alternate job.

While no one on this side of the House believes that welfare fraud should be tolerated, surely no one on either side of this House believes the punishment for such a crime should put one's health or life in peril. My resolution, if passed and acted on, would see to it that no one else suffers the way Kimberly Rogers was forced to.

The next part of my resolution speaks to a much broader issue: the fate of the nearly 600,000 Ontarians who have left the welfare system since October 1995, six



years ago this month. The statistic revealing the number of Ontarians who have left the welfare rolls has been a point of monthly pride for this government. Each month a body count is prominently released to the media as evidence of more and more people evidently "breaking the cycle of welfare dependency," as this government likes to put it. Oddly, for the first time in years, the government has not released the monthly stats for several months running, presumably because the numbers are going up and the government wants to hide that fact.

But tellingly, what the government has not released at any point are the statistics as to where those people have gone. Indeed, it has never bothered to properly examine that issue. Unlike other provinces, including British Columbia, Alberta and New Brunswick, Ontario has never done a comprehensive study of the impact of its welfare reforms, reforms that have been described as the most far-reaching and draconian in North America.

These reforms include the first decision this government made when they came to office, which was a 22% cut in welfare benefits in October 1995 and absolutely no increases to reflect the cost-of-living increases since then. They've introduced a lifetime suspension for welfare recipients convicted of welfare fraud. They set up a snitch line for welfare fraud. They've introduced mandatory workfare. They've introduced mandatory literacy tests, which just started this month in a pilot project in the province. They've got a plan to introduce mandatory drug testing this year, which we believe is not only offensive but will not withstand human rights challenges. These are but a few of the measures this government has put in place. In addition, the government has withdrawn completely from the construction of affordable housing while private sector rents have skyrocketed as a result of the government scrapping rent control.

Instead, the government has clung to its theory that a rising economic tide raises all boats and points to the decline in the unemployment rate as the primary indicator of this theory. I fear they may be in great trouble now as we move to an economic downturn.

The government likes to claim that the people who are leaving welfare have moved into the jobs the robust economy in the past provided. Unfortunately, this claim is simply not true, and it would seem that the government tacitly acknowledges that fact.

Consider the following: the only information the government has ever bothered to gather on those who have left social assistance are two incredibly inadequate phone surveys of those former welfare recipients it was able to track down by phone. The fact is, it couldn't find a large number of the people, so the survey only indicated people they were able to reach. The methodology of these surveys was so shoddy that nobody accepted them as having any validity at all. Everyone knows the government essentially tried to cook the books to hide the truth, that people on the streets were increasing, homelessness was increasing and poverty was increasing. Perhaps this explains why the government has not

bothered to even try to conduct such a survey for over three years.

I suspect that some of these surveys may be part of the speaking notes of the government members. I hope they do not try to distort the facts.

It's alarming that a government that prides itself on measuring results and outcomes, be it student and teacher testing, hospital report cards, municipal performance measures or the constant flood of economic and fiscal analyses, has never conducted an audit of the outcome of its welfare policies. It is even more alarming that the government has never studied the impact of its reforms when you consider that it has paid Accenture, formerly Andersen Consulting, a staggering \$200 million to implement these reforms, which is essentially a \$200-million boondoggle that we are going to continue to track down.

The question here is, where is the accountability? The social audit I envision would set in motion a process to determine how the government's Ontario Works policies are impacting on low-income children and families by putting real measurements against real outcomes. It would evaluate the impacts of the government's social welfare changes with a determination to make improvements so as to improve the well-being, employability and economic security of individuals and families in need.

I want to conclude this portion of my remarks by going back to the comments of Minister Baird after the death of Ms Rogers, when he said he needed the facts before he wanted to draw any conclusions. I agree with the minister. We do need the facts, and that's exactly why we need a social audit. We need the facts, and that's what that will provide us. I would trust that the members on the other side of the House would support that call.

We know that our poorest citizens have become poorer since this government took office. We know that child poverty has doubled since 1989. We know that homelessness in our province has never been worse, and we know that food bank use is at its highest level ever. We know that the grocery bill for the very cynical Tsubouchi diet back in October 1995, when the government immediately slashed welfare at that time by 22%, is now 25% higher than it was then and that housing costs have risen dramatically since this government took office.

These are issues the Ontario Liberal Party would deal with by being committed to raising the cost-of-living factor in terms of the people on social assistance and people on the Ontario disability support program.

1110

**Interjection:** Hear, hear.

**Mr Gravelle:** Absolutely.

We know there are tears in our province's social safety net, and we believe these tears are related to this government's social policies and welfare reforms. I am calling on all members of the House to do the responsible thing as elected representatives with the responsibility to ensure the health and well-being of all its citizens. I ask all members to support my resolution and conduct a

comprehensive social audit so that we as legislators can be certain that our social policy strategies are as effective as they can be.

**The Deputy Speaker:** Further debate?

**Mr Tony Martin (Sault Ste Marie):** I listened attentively to the member for Thunder Bay-Superior North, and I want to say to him this morning that I appreciate his bringing forward his resolution. I appreciate his call for a social audit. I think it is absolutely needed in this province. I don't suggest for a second that we don't have enough evidence now on the table after five or six years to in fact begin to ask this government to take some specific and immediate action. But it is really important, as we move forward, however, I believe, in the spirit of and looking at the intent of this resolution, to connect the dots, to paint the fuller picture, to understand how the system works as a whole and to understand how the programs of this government for those who are most vulnerable and most at risk in our community have been affected in a negative way, diminished, torn apart and in fact, in many instances, just plain don't exist any more.

So I say to the member for Thunder Bay-Superior North that we in this caucus will certainly be supporting your resolution, and we're hoping that the government, in all good conscience, responding from a moral and ethical position where these issues are concerned, will find it possible to support this resolution as well.

There is no greater responsibility that government has, there is nothing more fundamental to what a government is called to do when it gets elected, than to look after those in its jurisdiction who are most vulnerable and most at risk. It's with that in mind that the member for Thunder Bay-Superior North and I, and others of right conscience in this place, found it so astounding and so offensive when the first thing this government did in coming to power was not action on the economy, not action working with the business community, not action in terms of how we correct some shortcomings perhaps in the health care or education systems—although we have a lot to say about that too. The first thing they did, just like the bully who walks into the schoolyard, wanting to make an impression, wanting to send the message out to everybody as to who is in charge, they picked out the smallest and the weakest and the most vulnerable and they laid a beating on them.

Think about it: almost 25% of your income disappears overnight; you're already living on a meagre subsistence allowance to look after yourself and your children, to pay for your rent, to clothe your family, to feed yourself; and you're told by a government in a jurisdiction that's the richest in this country, one of the richest jurisdictions in all of the world, that we can no longer afford to give you the money you need to look after yourself and your children. What else can you say in terms of understanding the approach that this government takes, where the most vulnerable and the at-risk are concerned in this province?

Today I'm calling on this government to respond to the member for Thunder Bay-Superior North's call to

carry out a social audit. But I'm also asking the Liberals and the member for Thunder Bay-Superior North to join me in calling on this government to take some immediate action now, because there are people out there today, there are families out there today, who are at risk. We have to look no further than the Kimberly Rogers case in Sudbury to understand just how at risk these people are, to begin to take some action. They have it within their power, they have it within their purview to make decisions right now, this minute. The Minister of Community and Social Services, Mr Baird, if he wanted to, as he has done on so many occasions in bringing in some of the initiatives that have pounded and battered and abused those who are in need of assistance, could, as simply and as easily, call a press conference this afternoon and say that he is actually going to take some action to relieve the pressure on those in our province who are experiencing the most difficulty at this particular point in time in their lives.

One of the things I've put forward, which I suggest we could all support in this place if we had the political will and the moral fortitude to do so, is to stop the clawback of the child tax benefit supplement. That would be close to \$100 a month to every poor family for each child, to go to feeding, clothing and housing those children in a way that speaks to the inherent dignity that exists in every human being who calls Ontario home. They could do that. Other provinces have done it. They could do it today. They could make that announcement today.

As a matter of fact, I announced this morning at a press conference that I will be tabling this afternoon in this place over 7,000 signatures on a petition that I carried across this province for the last six months, telling people—shocking people, in some instances, because they didn't know—that this government was in fact clawing back from the very poorest of our families, on average, \$100 a month per child that the federal government gives them that they could be using to feed themselves, to clothe themselves, to house themselves, and to stop doing that.

I'm asking the Liberals to join me in asking the government to stop that clawback. Please do that today, because that would go a long way in relieving some of the pressure that many of our really poor families are having to deal with out there.

Another thing they could do is join me on Monday when I bring before this House a bill that would ask the government to increase the pension that goes to people on the Ontario disability support program in this province, the disabled. They haven't had an increase in their allowance for six years, members of the government and members of the public out there. We've had inflation of some 12% over that time. They haven't had an increase, so they've lost purchasing power; they've lost the power to look after themselves by some 12%, never mind not getting an increase.

I will be tabling a bill in this place on Monday asking the government to increase the allowance given to people with disabilities and to tie that increase, a regular in-



crease on an annual basis—not dissimilar to what they've just introduced, by way of the Integrity Commissioner, for ourselves, the members of this place—to the Ontario cost of living, which would automatically go to those who are disabled in this province so they could look after themselves and their children and their families in a way that speaks to their need to participate in their communities, live with some dignity and be able to afford the very basics that we all need if we're going to get on with our lives.

The other thing I would ask the Liberals and the member for Thunder Bay-Superior North, as we support him in his call for a social audit, to join us in asking the government for would be to raise the minimum wage. We know from listening to members of the government that they brag on a regular basis. I've heard about this across the province as I travelled since last December. Many of you will remember the dramatic statement I made by stepping down from my position as Deputy Speaker and setting up the People's Parliament on Poverty, an alternate venue for people to come and speak about poverty because we can't, except for the odd occasion like this morning, get that topic on to the table of this place in any significant way. They're telling me that, as a result of this government pushing so many people off assistance across this province and into the workplace, all of those people are still living in poverty, because the minimum wage, \$6.85 an hour, doesn't produce the kind of income they need to cover the ever-increasing cost of, for example, housing—rent.

1120

This government has done away with the Rent Control Act and has brought in a Tenant Protection Act that doesn't protect tenants. What it does is it allows landlords to increase rent without any increase in minimum wage or income for people on assistance to deal with that changing circumstance in any important and significant way so that they have money that they need left over after they've paid the bills to actually buy the food they need to feed their children.

I'm asking all of you people in the House here today to support us in giving those people who, yes, have left the welfare rolls in this province, have gone and taken the jobs that were or are available and are working for minimum wage, an increase in that minimum wage so they can afford to pay the rent, buy the food, clothe themselves and their children. Because as I said of the instance of the disabled, it is the same for those who live in poverty.

Everybody that this government brags that they've pushed off the welfare rolls find themselves, if they're able to get a job—many of them have simply given up. They can't handle the hassle any more. They cannot deal with the pressure. They're finding other innovative and interesting ways to look after themselves. But many of them, yes, have gone out to take jobs that pay minimum wage and are finding it very difficult.

As a matter of fact, I was listening to the member from Beaches-East York last night on the Michael Coren

show. The parliamentary assistant to the Minister of Community and Social Services was there as well. He said to her, and to the listening people out there across Ontario, that in fact there are some 3,000 people living in shelters in Toronto today and another 1,000 or so living, as he said, rough on the streets. He said something I found interesting. Most of those people in fact are working, but they can't afford a place to live or they can't find a place to live that they can afford. That's the Ontario that is evolving out of the programs and initiatives of this government. The evidence is there. To do a social audit wouldn't be a huge challenge. It's all in front of you.

As I travelled the province over the last six to nine months, listening to people in places like Huntsville, Sault Ste Marie, Ottawa, Toronto and Elliot Lake, they told me stories, that brought me to tears, of the efforts they're making to look after themselves given the meagre assistance and support they get from their government, given the challenge they face every day that they wake up and another announcement is made, trying to figure out how they deal with this, the latest attack on their dignity, on their lifestyle, on their ability to look after themselves and their children.

In Huntsville people are sharing rooms in hotels in the off-season because that's the only thing they can afford. I don't know what they do during the on-season, but mostly it is summertime. I guess they're in tents or they're finding part-time work so they can afford some perhaps more suitable accommodation during that period of the year. But during the toughest and harshest weather of the year in our province, these people in that area which is, I believe by statistics, one of the lowest-paying areas in the province, are living in hotel rooms, two and three together; sometimes two families together.

In Wawa they're couch-surfing. They're living and sleeping on each other's couches as they try to deal with the reality of this government's initiatives and programs that are out there to be taken advantage of.

In Ottawa we heard some people whose mental health is very delicate say to us that sometimes, with the ever-changing circumstances they confront as they wake up every morning, the most important decision they make now is whether to live or not. They have to ask themselves every morning when they wake up, "Is it worth the effort to go through another day?" What a terrible circumstance to be put into, and all driven in significant and important ways by the initiatives of this government.

And so I say to the members of this House, we should all be supporting a social audit. We should all be trying to get to the bottom of how all of these initiatives that this government—and the member from Thunder Bay-Superior North laid a few of them out for you. Every other month, it seems, there's a new initiative slamming the poor, because it's a hot-button issue, I guess; it's politically expedient or correct.

I'm asking this government to act out of their moral and ethical centre and do something different. Support the audit, but also support us in our call for immediate action now to help people who are in desperate need across this province.

**Mrs Tina R. Molinari (Thornhill):** I am pleased to take the opportunity today to speak about the resolution put forward by the member from Thunder Bay-Superior North.

This resolution is another indication that the Liberals on the opposition side of this House will never agree to the reforms that we have made in welfare and that have helped hundreds of thousands of people in Ontario. Since we took office, we have turned welfare around to make sure that it's a hand up, not a handout.

In 1995, when our government was elected, we were given a strong mandate by the people of Ontario. We had the highest per capita caseload in the country. Over a million Ontarians were trapped on welfare. No doubt this was a result of the lost decade of the Liberals and the NDP. We cut welfare rates in 1995 because our welfare rates were out of control. More and more people were trapped in the cycle of welfare dependency. Voters in 1995 knew that the country club welfare policies that existed during the Liberal and NDP governments were unacceptable and had the province in dire straits. People were actually paid to stay home, and many of them were not even required to look for a job.

The good news is that our government's reforms are working. Ontario Works is getting people off welfare and back into the workforce.

I had the opportunity to visit a home for the mentally and physically challenged, and the head of the volunteer organization in that location told me that she's losing volunteers because they are finding jobs. There are volunteers coming into the centre through Ontario Works, and they are moving their way into jobs. That's what Ontario Works is. When this happens, everyone wins: the government wins, the taxpayers win, but most importantly, the person who was on welfare and finds a job is the biggest winner.

We are proud to stand behind our record. Let me give some indications of what that record is.

With Ontario Works, we have helped close to 70,000 throughout Ontario find work placements. We have helped 3,628 in starting their own business, giving themselves and their families a solid footing to the future. Through our basic education and job skills training, we have helped 104,548 Ontarians by improving their ability to compete for jobs. Through structured job search, which helps people find a job, we have helped 134,482 people in Ontario feel proud when someone calls them to say, "You got the job." Our earnfare program, working to earn the difference between the old rates and the new rates, is helping over 52,000 people. Through our Learning, Earning and Parenting program, we provide help to 3,000 young single mothers so that they can finish school.

This resolution that is put before the House today is just another ploy to stop or delay, through studies, the good work that this government is doing. We need strong leadership and strong action to help all of those who are still on welfare, not more reports and studies that sit on the shelves and gather dust.

1130

I want to spend a moment talking about the case in Sudbury the member alluded to as part of this resolution. It's important to get all the facts on the table. The coroner has called an inquest into this tragedy and the member quoted parts of that inquiry. We, as a government, will provide our full co-operation, but let's be careful not to use this tragedy to make political points, as those on the other side of this House have been so quick to do, especially when all the facts are not yet in.

I think the Sudbury Star editorial from August 18 of this year speaks volumes on this issue. I want to quote from that article:

"Rather than follow their respective political agendas ... politicians and social activists should hold off drawing conclusions without evidence—which will take time to gather...."

"In the meantime, opposition politicians and local activists should allow Rogers's family the peace to grieve her loss and allow the coroner's office to conduct its investigation."

"Railing against changes to the social assistance program and linking those changes to Rogers's death ... does both Rogers and their cause a disservice."

I invite the members opposite to ponder the very useful insights of that editorial before they start using this tragedy for political ends.

The Liberals have constantly shown both in office and in opposition that they're just not up to the job on welfare reform. They don't have any idea what it takes to help people get off welfare. This evidence is clear. Our welfare reforms are working for all the people of Ontario.

**Mr George Smitherman (Toronto Centre-Rosedale):** I'm very honoured to have a chance to join this debate in support of the resolution by my colleague and in defence of the people I represent. Too many of the people in my riding of Toronto Centre-Rosedale are poor and have been subjected for going on seven years now to the kind of stigma and stereotyping that member just participated in.

When she talks about Ontario's country club welfare system, she is appealing to the lowest common denominator among people this government has worked to narrowcast, a government that does not see its responsibility to work on behalf of all, but in favour only of those who choose to vote for it. I say to that member, I look forward to the day when the coin drops and you understand that time has passed your rhetoric by. Your six-minute speech that you just gave on this thoughtful resolution of my colleague shows just how out of touch you are with the economic circumstances that confront Ontario today, with the challenges that are presented as a result of September 11, and with the utter reality of the circumstances in which poor people find themselves in our province.

I wish I could offer my time today to some of the people who are in the galleries here, like Josephine Grey, who has been a courageous leader on this issue, who works for Low Income Families Together, and Kira from



the Toronto Disaster Relief Committee, people who work every single day, who confront the kind of challenges you could not imagine and whom you subject to the kind of stigma you've been a participant in for too many years.

This government uses the rhetoric of, "We want to give people a hand up." The only hand that too many poor people have seen from this government is the back of the hand, from a government that uses phrases like "country club welfare recipients."

I encourage you over the lunch hour or at any time convenient to you to come for a walk with me through the streets of downtown Toronto to meet the people you have been a participant in stereotyping.

We want to build people up, but this is a government that at the same time it cut welfare rates also cut the crucial, critical supports for people who are living with challenges that many of us could not imagine. We stopped building housing—talk about creating opportunities.

But I want to know, and this audit would get at it, the most important thing. Last night I had an opportunity to be at the Ontario chamber dinner, which was the Premier reporting back to his core constituency on all he had done to make them richer. He talked about the reduction in welfare rolls. I want to be part of a governmental institution that celebrates a reduction in people on welfare, but I also want to be a participant in the celebration of people leaving poverty, and that is the missing link here. Yes, of course, through all these government actions and through a more buoyant economy, fewer people are on welfare, but if we look at children, as an example, and at child poverty rates, children have not left poverty.

In my inner-city riding of Toronto Centre-Rosedale, the forced cuts of this government to the Toronto District School Board have meant that the crucial programs in our inner-city schools that were designed to do what your rhetoric talks about, which is to lift people up out of the circumstances into which they have been born, have been cut.

We talk about excellence in education. There used to be a gifted program at Winchester school, which serves the most multicultural community perhaps in Canada, St James Town. It's gone. That's a result of your government and your cut.

This is one of those days when I'm saddened by the fact that I have to sit here and take that, but you fuel me, Ms Molinari, member for Thornhill, to work even harder to make sure that the people in your riding and the people of the province come to understand that we can no longer take a very significant portion of our people and simply throw them on the scrap heap of life, because that's what the actions of your government have the net effect of doing.

What has the member from Thunder Bay presented? This is not some rhetorical flourish. This is a thoughtful suggestion that maybe we ought to look a little beyond the rhetoric and do some statistical analysis, an audit, and determine the extent to which people are still living in

poverty, and see what we might do about that as a province.

I ask any member on the opposite side, any member of the government who doesn't believe what I say, to come for a walk with me. No media. We'll go anywhere you want, at whatever hour you want. Come for a walk with me and meet the people I represent, the people you have been a participant in stereotyping, and find out what it's like to carry the burden of poverty every single day, find out about the harmful effect of the words you use.

I want to say just one more thing: I want to see a leader of this province where parents can say to their children, "This is someone I want you to meet." On November 17 Nelson Mandela is coming to Regent Park and he will be welcomed there as a great man. But if Mike Harris were taken to Regent Park, parents would not be grabbing their children and saying, "I want you to meet this man, this Premier of Ontario." I think that, at the end of six years of that kind of rhetoric and stigmatization, is a very sad commentary.

**The Deputy Speaker:** Stop the clock. I want to draw members' attention to René Fontaine, the former member for Cochrane North and a former Minister of Northern Affairs and Mines.

Further debate?

**Mr Bart Maves (Niagara Falls):** It's a pleasure to stand and join the debate on this issue, especially after listening to some of the stuff said across the floor. It's very interesting how, after six years of successful welfare reform in Ontario, the parties opposite can continually stand up and say that 600,000 people off the dependence of welfare is a bad thing. They want to go back to the years between 1985 and 1995 when 12% of the population of this province was collecting welfare. It is tragic that they want to take that step backwards. I continue to be astounded.

Over one million people between 1985 and 1995 were on welfare. We came in after the election of 1995 with a clear path: bringing in workfare, moderating welfare rates, and a whole host of programs to get people from the dependency of welfare into the workplace. As I said, 600,000 people today are off the dependency of welfare. We know that about 800,000 new jobs have been created since 1995. We actually did two studies on this, and most of those people who left welfare went to jobs.

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What are some of the other things we've been doing to help people, aside from workfare placements, which have been a tremendous success? Some of the other things we are doing is providing help for folks to find a job, providing basic education and training, providing job skills training, providing supports for teen mothers on welfare to finish school and providing incentives to find paid work.

One of the members opposite just got up and talked about the rate cut. Well, let me tell you something, to the member opposite: you better figure out what your party's policy is on this. They do flip-flop, that's true, but the member opposite clearly doesn't understand that his own

leader said in a Liberal news release in December 1998, "I fear I may have left the impression that it was my intent to fully restore the 22% welfare cuts to our recipients. That is not my intention." The member opposite complained about the rate cut; his own leader is not in favour of reinstating that rate cut. Not only that, but you should realize that right now Ontario still has the highest welfare rates in Canada, more than 10% above the average that is paid in the other provinces.

On workfare, which has been a great success—and I'm going to read you a lot of quotes because, as I said, we've done two exit studies to find out where people were going when they moved from welfare to work. We've also worked on a constant basis with, mostly, regional governments, upper-tier-level governments that deliver welfare. We've got a constant dialogue between those people who are on the front lines delivering the welfare services, the social assistance services and the workfare programs, and they continually tell us that people are moving from welfare to work.

What was the Liberal position on workfare? They saw that the public in Ontario thought workfare was a good program. So what did they decide to run on in 1995? Mandatory opportunity. What was that? No one knew what it was, including the Liberals. They could never really define it. What did Dalton McGuinty say in 1996 about this? He said, "I don't believe in workfare but I do believe there is one exception. I don't think we can accept that anybody under the age of 30 can simply stay at home and collect welfare." I guess he believes that if you're under 30 and on welfare, workfare is OK for you, but if you're 31 or 32, somehow workfare is not OK for you. I don't understand the Liberals' position on that either.

As I said, we deal a lot with the municipalities and the upper-tier levels of government that deliver welfare. We've had a constant dialogue. Minister Baird is constantly in the offices, meeting with the front-line staff at social service agencies across the province. What do they have to say? Some of the members opposite should pay attention to some of these quotes because these are quotes from people on the front lines, delivering social services in their ridings.

Let me start off. Eddie Alton, the chief administrative officer, district of Timiskaming, says, "We do have a lot of people going off social assistance who are finding employment, and considering that we haven't had any major employers move into the area to take a lump sum of them, it is impressive. Some of our placements have been very successful. In doing placements for about two to three months, they get a current resumé and then they are able to get a job." That's someone talking about how successful workfare has been in his area in Timiskaming.

Here's another one, from Chatham-Kent. Lucy Brown, manager of social services and children's services for Chatham-Kent, says, "It's a win-win situation. Non-profit housing groups can get things done that are not being done now, while the placements can develop references and get a more recent work background.

Paul Beaton, who is the manager of Ontario Works in Woodstock, says, "The province's 1997 act is giving people the opportunity to actively get involved in something that will increase their employability rather than just collecting a cheque. Ontario Works helps people get off welfare by expanding the opportunities that we know help people succeed."

Again, members opposite should pay attention to what's being seen by the front-line caseworkers all around the province.

Here's another one from Woodstock. Listen to this, Speaker. This is from a front-line social assistance deliverer in Woodstock: "The idea that they are driven off the system into despair and homelessness is not accurate." That's someone on the front lines.

Do we need to go out and do more and more studies, to follow individuals and find out where they are? Well, we've done it twice. As I said, we have this constant dialogue with people on the front lines.

The director of Grey county social services, David Hughes, says, "I can tell you that we've got more individuals leaving the system for employment than we've had in a long, long while. We've had more individuals going into education and training programs."

Carmene Cousineau from Stormont-Dundas-Glenora, another gentleman on the front lines of delivering welfare: "It's making a real difference in their self-esteem. They're learning that people want them while they are developing these skills. Many of them who were reluctant in the beginning to participate have come back to thank us." I've heard that all over the province. I was the parliamentary assistant to Minister Baird at community and social services for a little over a year. The minister, I'll tell you now, has binders in his office of letters from people who were on welfare, who were hesitant to participate in workfare, participated in workfare and now are working. He has binders and binders of letters of people explaining their situations and how their life has dramatically improved.

Members opposite just want to put that aside. "Let's go back to the old days when we had over a million people on welfare in this province." It's a tragic position that they take and one that they continually flip-flop over, as I told you before.

Here's another quote, from Neil Seaman: "Prior to workfare, the percentage of welfare recipients who partook meaningfully in any working activities was negligible. Whatever you may think of workfare, it is plainly an incentive for poor people to seek jobs."

I can't resist this. I'm going to be in trouble, because I think Minister Baird would really like to use this quote, but I can't resist the opportunity to use it. There used to be a gentleman on the other side of the aisle, a Liberal member from Ottawa. He's now the mayor of Ottawa. On his very own Web site, he takes pride in the welfare changes of the province of Ontario. He expresses pride in workfare placements and the process of getting people off welfare and into work in Ontario. Here's what his Web site says: Bob Chiarelli, the current mayor, the



Liberal member opposite prior to leaving. It says, "The number of social assistance recipients in Ottawa-Carleton has declined by more than 31%. That represents an average of 850 people who leave welfare for paying jobs every single month—more than 30,600 people since Bob was elected.... Taxpayers saved more than \$51 million," this year. That is a former Liberal member, a current mayor in Ottawa, bragging about our welfare reforms.

**Hon Rob Sampson (Minister of Correctional Services):** On a point of order, Mr Speaker: We have some very special guests in the House today. There are some students from École secondaire Sainte-Famille up in the gallery. I want to welcome them. You can't applaud—don't get in trouble—but I certainly want to welcome you here.

**The Deputy Speaker:** As the minister knows, that is not a point of order, and we welcome you.

Further debate?

**Mr Rick Bartolucci (Sudbury):** I'm glad these secondary school students are here in the audience today, listening to what the government is saying.

I stand in support of the resolution by the member for Thunder Bay-Superior North. Indeed, what he asks for is what the people of Ontario want.

Thomas Fuller once said, "Rigid justice is the greatest injustice." This is the fear that's been expressed by the people of Sudbury and all Ontarians regarding the death of Kimberly Rogers: that in the name of justice, this government's definition of justice, Kimberly suffered a grave injustice. The death of Kimberly Rogers has resonated throughout our community, throughout our province, by virtue of the shocking circumstances as we know them, the profound questions that remain unanswered, and quite simply the sudden and sheer sadness of the events.

The members opposite can quote anyone they want to quote, but when government policy can lead to the death of one or more individuals, then that government policy is wrong. We are mandated by the honour that is placed within us by our constituents to ensure that bad policy is gotten rid of as quickly as possible. The reality is, the member for Thunder Bay-Superior North wants to ensure that there is not another Kimberly Rogers event out there. That's all he's asking for. It's not government rhetoric; it's not a cute ploy used in private members' hour. It is a serious request for a social audit, something that has been asked for by many different groups across this province. Our critic, Michael Gravelle, is responding to their desire to have a social audit. The government is mandated, by the power it is given through the electorate, to ensure that that social audit takes place.

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Throughout this province, many groups have come together to question the government's policies regarding and surrounding the death of Kimberly Rogers. For example, today in Sudbury, the Ontario Common Front will be gathering in front of the courthouse to discuss the tragic death of Kimberly Rogers, raising questions about provincial welfare policy, access to post-secondary edu-

cation and the administration of justice, all very important items to be discussed. Next Monday, October 22 at the Steelworkers Hall, the committee to remember Kimberly Rogers will be coming together in an open forum. The government could attend it if they had the courage. They could attend it and give their side of their policy with regard to treating people like Kimberly Rogers.

I suggest to you that human beings not only have natural rights, but the very purpose of government is to protect them. Laws that subordinate life, liberty and safety are wrong. I challenge this government to do a social audit.

**The Deputy Speaker:** Further debate?

**Mr Dominic Agostino (Hamilton East):** I am proud to stand in support of the resolution of my colleague from Thunder Bay-Superior North. I guess I shouldn't be shocked, after six years of sitting in this place, about the arrogance and lack of understanding that this government shows toward poor people in this province. It feels that it was given a mandate in 1995 to punish people who are poor in the province of Ontario.

I represent the riding of Hamilton East, a riding that has many people who are struggling. I have been in the homes of single moms in the middle of the month when they have no money and the fridge is empty and the shelves are empty and they've got to go to the food bank to try and scrape by. I've been in those homes in the middle of winter where the single mom cannot afford to buy boots for her kids or a winter coat. Let me tell you, much of that is a result of the policies of this government. They have continued to exploit poor people in Ontario; they have continued to exploit those who cannot get by in the way this government wants them to get by. The reason is that many of these folks never met or talked to a welfare recipient in their lives.

This government has been brutal toward welfare recipients in this province. It's a hot button that you've pushed for political exploitation and gain, and you don't give a damn who you hurt in this province if you can score cheap political points.

I remember what I think is the most disgraceful performance by a cabinet minister that I have seen, when the Minister of Community and Social Services announced drug testing for welfare recipients and held a press conference with a backdrop of someone injecting a needle into his arm, and then opened up the press conference by throwing out on the desk a box of syringes. What a disgraceful performance. What an exploitation of people on welfare. That man should not be the social services minister in Ontario. That kind of performance is an embarrassment to every single Ontarian.

But that typifies this government's approach toward people on welfare. They claim to have great numbers, but they can't tell us where these people have gone. Check with any food bank. Check with any shelter and see where their numbers have gone in the last five or six years in this province. Look at the number of homeless people in Ontario. Look at the number of poor people.

How do we have this tremendous contradiction, where you sit there and claim such tremendous success when it comes to welfare reform and then every social indicator of how people have been affected shows the opposite? You have had an opportunity through good economic times to make some real meaningful change to welfare reform by supplying more affordable daycare, increasing the cap on what someone can work and earn and putting in some meaningful programs that get people into meaningful jobs. Instead, you've blown a tremendous opportunity.

And they sit and accuse us of somehow pandering to people on welfare. Let me tell you, I will never, ever, ever apologize to anyone for sticking up and fighting for those in our society who need our help—the poor, the single moms, those on welfare. We cannot continue to play hot-button politics of exploitation the way this government has continued to do with welfare recipients.

You just don't really understand. That's the problem. They really don't understand how difficult it is for people who are trying to get by. They don't understand how you can struggle. They think that a single person living on \$500 a month in downtown Toronto is somehow living high off the hog. They don't understand the reality that people face.

What this resolution is saying is, let's get an audit here. Let us understand what is really happening to these folks. Let us ensure that the tragedy that occurred will never occur again. What is wrong with that? What is wrong with trying to get real understanding of where these folks have gone who are supposedly off the welfare rolls?

But you know what? They're not going to support it, because it would not serve their propaganda war against the poor. It would not fit into their hot-button Republican approach to governing in Ontario.

I say to you, it is an injustice that has been committed against hundreds of thousands of Ontarians. It is an injustice that started in 1995 and it's an injustice that continues. I can tell you, I hope these folks sleep well at night knowing in their heart of hearts what they've done to hurt and punish the most vulnerable Ontarians. It is disgraceful.

**The Deputy Speaker:** Response?

**Mr Gravelle:** I certainly want to thank my colleagues from Toronto Centre-Rosedale, Sudbury, Hamilton East and Sault Ste Marie in particular for their support of this resolution. I certainly want to address some of the comments made by the government members, the member from Thornhill, the parliamentary assistant to the Minister of Community and Social Services, and the member for Niagara Falls. I find their approach to this quite appalling. They're the ones who in fact turned this into a political issue. The fact is that what we are asking for today, which we think is very reasonable, is: can we not at least look at those people who are suffering as a result of your policies? Can we not at least do an assessment of your policies? If you're so sure that your policies have been positive, you would think you'd be very proud to do so.

What I found quite alarming, particularly about the remarks made by the member from Niagara Falls, was what he was really saying to us was, "It doesn't matter how we get people off welfare; we just want to get them off welfare. It doesn't matter if children are not getting food to eat every day. It doesn't matter. We just want to get our numbers fixed up. It doesn't matter that one in three people on welfare is a child."

We want to assess the value of that. We want to know what's happened with them, and I think that's a reasonable, fair thing to do. In that sense, this was not the least bit of a political speech. We've looked at this and we've tried to find a way to get something the government could actually agree to.

In terms of the issue related to Kimberly Rogers, there is no question that the tragic circumstances surrounding her death should be something we should all be concerned with. What we are saying is, surely the government's responsibility at least can be to ensure that other people who have been suspended from welfare—how are they doing? Can the government not make some effort to find out how they're doing?

It doesn't seem to matter. All that seems to matter is that they want to be able to say, "We've kicked more people off welfare," and they'll continue to bring forward their policies and not do anything to assess their impact or value. That is all we are asking. We think it's about time this government started caring about people in this province.

I'll tell you, it's not about going back to the past; it's going back to a time when we treated people with dignity and respect. All people in our province should be treated that way.

**The Deputy Speaker:** This completes the time allocated for debate on ballot item number 26.

RETAIL SALES TAX  
AMENDMENT ACT, 2001  
LOI DE 2001 MODIFIANT  
LA LOI SUR LA TAXE  
DE VENTE AU DÉTAIL

**The Deputy Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 25. Mr Parsons has moved second reading of Bill 54, An Act to amend the Retail Sales Tax Act to provide an exemption for fire education equipment.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will hold the vote following my putting the question of ballot item number 26.

SOCIAL AUDIT

**The Deputy Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 26.



Mr Gravelle has moved private member's notice of motion number 16, that in the opinion of this House, the Ontario government must conduct an immediate review of the health and well-being of any Ontarian, or their family, suspended from welfare benefits, and launch a broader social audit to assess the impact of the government's unprecedented welfare reforms. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will first deal with ballot item number 25.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1201 to 1206.*

## RETAIL SALES TAX AMENDMENT ACT, 2001

### LOI DE 2001 MODIFIANT LA LOI SUR LA TAXE DE VENTE AU DÉTAIL

**The Deputy Speaker (Mr Michael A. Brown):** Mr Parsons has moved second reading of Bill 54. All those in favour will please stand and remain standing until their name is called.

#### Ayes

Agostino, Dominic	Gravelle, Michael	Ouellette, Jerry J.
Arnott, Ted	Hardeman, Ernie	Parsons, Ernie
Bartolucci, Rick	Hoy, Pat	Patten, Richard
Bisson, Gilles	Kormos, Peter	Peters, Steve
Bountrogianni, Marie	Kwinter, Monte	Phillips, Gerry
Boyer, Claudette	Lalonde, Jean-Marc	Prue, Michael
Bradley, James J.	Levac, David	Ramsay, David
Bryant, Michael	Marchese, Rosario	Runciman, Robert W.
Caplan, David	Marland, Margaret	Ruprecht, Tony
Churley, Marilyn	Martel, Shelley	Sergio, Mario
Colle, Mike	Martin, Tony	Smitherman, George
Cordiano, Joseph	Martiniuk, Gerry	Spina, Joseph
DeFaria, Carl	Mazzilli, Frank	Tascona, Joseph N.
Di Cocco, Caroline	McLeod, Lyn	Tsubouchi, David H.
Dombrowsky, Leona	McMeekin, Ted	Turnbull, David
Dunlop, Garfield	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Wood, Bob
Gerretsen, John	O'Toole, John	Young, David

**The Deputy Speaker:** Those opposed will please stand and remaining standing until recognized by the Clerk.

#### Nays

Barrett, Toby	Hastings, John	Newman, Dan
Chudleigh, Ted	Hudak, Tim	Sampson, Rob
Clement, Tony	Jackson, Cameron	Snobelen, John
Coburn, Brian	Johnson, Bert	Sterling, Norman W.
Ecker, Janet	Maves, Bart	Stewart, R. Gary
Elliott, Brenda	Munro, Julia	Stockwell, Chris
Gill, Raminder	Mushinski, Marilyn	Witmer, Elizabeth

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 54; the nays are 21.

**The Deputy Speaker:** I declare the motion carried.

**Mr Ernie Parsons (Prince Edward-Hastings):** On a point of order, Mr Speaker: I would ask that this bill be referred to the standing committee on economic and affairs committee.

**The Deputy Speaker:** Agreed? All those in favour of the member's request that this bill be referred to the standing committee on finance and economic affairs will please stand.

Please be seated.

All those opposed will please stand.

Please be seated.

A majority is not in favour. Pursuant to standing order 96, this bill will be referred to the committee of the whole House.

We will now open the doors for 30 seconds.

## SOCIAL AUDIT

**The Deputy Speaker (Mr Michael A. Brown):** Mr Gravelle has moved private member's notice of motion number 16.

All those in favour will please stand and remain standing until recognized by the Clerk.

#### Ayes

Agostino, Dominic	Dombrowsky, Leona	McMeekin, Ted
Bartolucci, Rick	Gerretsen, John	Parsons, Ernie
Bisson, Gilles	Gravelle, Michael	Patten, Richard
Bountrogianni, Marie	Hoy, Pat	Peters, Steve
Boyer, Claudette	Kormos, Peter	Phillips, Gerry
Bradley, James J.	Kwinter, Monte	Prue, Michael
Bryant, Michael	Lalonde, Jean-Marc	Ramsay, David
Caplan, David	Levac, David	Ruprecht, Tony
Churley, Marilyn	Marchese, Rosario	Sergio, Mario
Colle, Mike	Martel, Shelley	Smitherman, George
Cordiano, Joseph	Martin, Tony	
Di Cocco, Caroline	McLeod, Lyn	

**The Deputy Speaker:** All those opposed will please stand and remain standing until recognized by the Clerk.

#### Nays

Arnott, Ted	Hudak, Tim	Sampson, Rob
Baird, John R.	Jackson, Cameron	Snobelen, John
Barrett, Toby	Johnson, Bert	Spina, Joseph
Chudleigh, Ted	Marland, Margaret	Sterling, Norman W.
Clement, Tony	Martiniuk, Gerry	Stewart, R. Gary
Coburn, Brian	Maves, Bart	Stockwell, Chris
DeFaria, Carl	Mazzilli, Frank	Tascona, Joseph N.
Dunlop, Garfield	Miller, Norm	Tsubouchi, David H.
Ecker, Janet	Molinari, Tina R.	Turnbull, David
Elliott, Brenda	Munro, Julia	Wettlaufer, Wayne
Galt, Doug	Mushinski, Marilyn	Witmer, Elizabeth
Gill, Raminder	Newman, Dan	Wood, Bob
Hardeman, Ernie	O'Toole, John	Young, David
Hastings, John	Ouellette, Jerry J.	
Hodgson, Chris	Runciman, Robert W.	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 34; the nays are 43.

**The Deputy Speaker:** I declare the motion lost.

All matters relating to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

*The House recessed from 1214 to 1330.*

## MEMBERS' STATEMENTS

## TENANT PROTECTION

**Mr David Caplan (Don Valley East):** Once again the Harris government is making it harder and harder for tenants to defend themselves at the Ontario Rental Housing Tribunal. On September 10 this year, the tribunal quietly issued a memo to its stakeholders to tell them that once again there would be a further consolidation of filing centres in Ontario. To you or me here in Toronto, this is not an urgent matter, but let's look at what these decisions mean to other parts of Ontario.

Before you started closing these centres, someone in Bancroft could attend a local place to file their papers. They didn't have to have a fax machine or a credit card; they could just show up and file the papers to help them stay in their homes. Now let's look at what's happened. Two years ago you closed the document filing centre in Bancroft and moved it to Napanee. Now you've closed the centre in Napanee and moved the service to a government information centre in Belleville. This is probably close to a three-hour drive each way, and that's if the weather is good. In Belleville, the people on staff will not be trained in any landlord and tenant issues.

By the way, if you're fortunate enough to be able to pay monies to the tribunal itself, you have to travel to Kingston. This isn't limited to people in Bancroft. Now if you don't have access to a fax machine and don't have a credit card and you live in Brantford, you have to travel to Kitchener to file documents. If you live in Port Elgin, you have to travel to Owen Sound instead of being able to stay near your home. Doesn't the government have any concern for tenants without cars who have to attempt to file papers in locations one to three hours away just to stay in their apartments?

This government has removed most tenant protections. The minimal opportunities that exist to access justice are being diminished by the actions in this regard. Why is the government making it harder? It's time to stop the assault on tenants and reconsider the closures they have already made. The tenants of Ontario deserve it.

## ISLAMIC ART EXHIBITION

**Ms Marilyn Mushinski (Scarborough Centre):** On Saturday, October 13, I had the honour to attend an exhibition of Islamic art and science at the Scarborough Civic Centre. The exhibit was to showcase works of cultural, social and Islamic spiritual significant in the arts. It gave adults and youth alike the opportunity to learn about Islam, and the Muslim community and their place in Canada, and it was to promote a cultural understanding and tolerance.

I also had the opportunity to speak to this group about its values, culture and heritage and how, with a large Muslim community in Scarborough, it has been a pleasure to participate in the many community events through-

out the years. I expressed my appreciation to this community and the appreciation that this community has made a significant contribution both in Ontario and to Canada.

I quoted Premier Mike Harris in my speech. I said, "I want all to know that Ontario will not harbour prejudice. Ontario will not allow hate crimes. Ontario will not allow racism to dim the light of hope, which so many of you are helping to burn brighter."

I want to extend congratulations to Musa Rasa and his organizing team of tremendous volunteers for organizing such a successful exhibition. The seventh annual exhibition runs from October 13 to November 3 at 150 Borough Drive, Scarborough Civic Centre, Scarborough, Ontario.

## SCHOOL BUS SAFETY

**Mr Pat Hoy (Chatham-Kent Essex):** I have here a government press release recognizing this week as School Bus Safety Week in Ontario. It is a self-serving litany of measures that are supposed to protect children. It speaks of doubling fines. What a joke. There is no conviction mechanism because the government refuses to implement my bill. Today I am reintroducing my bill that would use vehicle liability to convict drivers who endanger innocent children. If you over there are so eager to get tough on crime, give the law teeth to catch reckless drivers.

This release says MTO is working with school bus operators, the Ontario School Bus Association, school boards, educators, parents, students, public health and police services to promote school bus safety. But these are the exact same groups who support my bill that the government refuses to pass.

I also have a School Bus Safety Week release from the Ontario School Bus Association issued just this Monday. It says the government's funding model is strangling the school bus system. Since 1995, \$32 million has been cut, placing bus transportation and safety in jeopardy. Bus funding is stuck at pre-1996 levels, but costs have just skyrocketed. Yet the government has the gall to release this self-congratulatory drivel. Shame on you. Funding must be restored; the law must have teeth.

I presented 30,000 petitions demanding that my bill be passed. Turn off your spin cycle over there and get serious about protecting innocent children from guilty drivers. Lives are at stake. Pass vehicle liability for our children now.

## PERSONS DAY

**Mrs Julia Munro (York North):** I would like to take time today to recognize an important day in the history of our country, Persons Day. October 18, 1929, was an historic day for the women of Canada. That was the day that women in this country were legally recognized by the highest court in the land as persons under the law. And it all happened because of the determination of five



women, the Famous Five: Emily Murphy, Louise McKinney, Irene Parlby, Henrietta Muir Edwards and Nellie McClung.

These five women started a legal challenge to enable women to become senators, and they became a symbol of the right of women to participate fully in society, including public life.

It is especially important that we recognize this day, because it falls during Women's History Month, which began 10 years ago in honour of this milestone for women.

Thanks to the legacy of the Famous Five and other trailblazing Canadian women, we can point to a stunning record of women's contributions to this province. Today, we all owe a great deal to the Famous Five. They brought the principle of equality between men and women to the public's attention and opened the door of political opportunity to those women who would take the challenge.

I salute these great women. May their struggles and achievements be remembered by future generations.

#### LAND MINES

**Mr John Gerretsen (Kingston and the Islands):** Land mines are among the cruellest of all weapons because they don't recognize the difference between a soldier and a child. They kill and maim long after the warring soldiers have left the battlegrounds. They are not only a weapon of terror but also an impediment to social recovery.

At this moment there are between 50 million to 100 million land mines in 70 countries, lying in wait to kill innocent people.

Last week, each member of this Legislature received information from Frank O'Dea, the president of the Canadian Land Mine Foundation. He is calling on all of us to host a dinner on Friday, November 30, for our friends and neighbours to raise awareness and funds. People from all walks of life in countries all over the world will join in this massive event, which is being called the Night of a Thousand Dinners.

Since the tragic events of September 11, we have all asked, "How can I contribute to fight terrorism?" In response, I would suggest holding a dinner. Terrorists need tools like land mines to create their havoc. By having a dinner in your home on November 30, Canadians can directly contribute to the worldwide de-mining operation.

Let's all work to create a world where children can walk and play without fear, confident that the earth below their feet is clear of land mines.

The funds raised at each dinner will be matched by the Canadian International Development Agency in Canada. Proceeds raised will go directly to clearing mines in the most heavily mine-affected countries in the world.

I would encourage all members and their constituents to host a dinner on November 30 and join individuals like Adrienne Clarkson, Colin Powell and Sir Paul McCartney in hosting a dinner as well.

I would ask that you visit the Web site at [www.1000dinners.com](http://www.1000dinners.com) and sign up or call toll-free at 1-866-611-7669.

Every step we take makes a difference.

#### HOMELESSNESS

**Mr David Christopherson (Hamilton West):** I rise today to bring attention to the government of the ongoing crisis with regard to homelessness and housing as it relates to Ontario, and in Hamilton specifically.

In today's Hamilton Spectator there's an article headed up, "Homelessness Growing." It speaks about Brother Richard MacPhee announcing that the Brothers of the Good Shepherd are having their harvest gala fundraiser on October 24.

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Last week, on Wednesday, October 10, I attended an annual meeting of Freedom House at the Hamilton Association for Community Living. That meeting was called and chaired by Mary Sinclair. Some of those in attendance were Colin Gage of Victoria Park Community Homes; Gay Walton, president of United Disabled Consumers; and John Smith of the March of Dimes.

At that meeting, the issue of homelessness and the absolutely critical need for affordable housing in Hamilton came through loud and clear. In fact, I want to bring to the government's attention that as of August of this year there were 3,290 Hamiltonians on the waiting list for affordable housing. If you are a parent with children, in desperate need of affordable housing in this province and in the city of Hamilton, you are going to wait years before you have access.

This government is attending a federal-provincial ministers' meeting in November in Quebec City. It's time for this government to get off the spot and sign the matching funds agreement so we can build badly needed affordable housing in this province.

#### PREMIER OF ONTARIO

**Mr Garfield Dunlop (Simcoe North):** I rise today to recognize the supportive comments offered by many prominent Ontarians upon learning that our Premier, Mike Harris, will be stepping down after more than a decade as our party's leader. The dignity and diplomacy of these people, including harsh critics of the government, does not go unnoticed.

Former Liberal leader and Premier David Peterson offered that, "Mike Harris came with a very tough agenda and he did what he said he would do, and I admire him for that."

Our Liberal Prime Minister, Jean Chrétien, said Mike Harris "served his province well and he had strong convictions that he tried to apply."

Earl Manners, president of the Ontario Secondary School Teachers' Federation, sincerely wished "the Premier well in his personal decision to retire from politics."

But there are still those who act without tact, without decency, without dignity, and with a completely crass attitude during such a challenging and emotional period as a resignation from public life can be.

One such individual who cannot go unnoticed is Allan Rock, who once again has displayed his true grit and true colours of indignation. Allan Rock could not even pause for one day, unlike his other Liberal colleagues, who acted with decency and class in recognition of a fellow parliamentarian. No, Allan Rock instead continued to play crass politics and issue cheap shots at Mike Harris in all of the local media. Allan Rock once again has demonstrated a callous attitude toward Ontarians. It is important that Ontarians recognize this, for no one has done more damage to health care in Canada than Allan Rock and his failure to fight for fair federal dollars for the health of Canadians.

### SOCIAL AUDIT

**Mr Michael Gravelle (Thunder Bay-Superior North):** Earlier today, the Mike Harris government made a very clear statement to the people of the province about recipients of social assistance. By forcing a vote to defeat my private member's resolution for a social audit of the massive overhaul of the welfare system in our province, they told us a couple of important things.

First of all, they simply don't care about what happens to people who are forced off welfare. They just want them gone. They don't want to know why our food bank use has never been higher, they don't care that poverty levels have doubled over the past 10 years, and they aren't worried about children on the streets going hungry.

But there is something else more ominous about their determination to stop any analysis of their vicious welfare reforms, and that is, they are hiding something. They don't want an investigation into the \$200-million Andersen Consulting/Accenture boondoggle that is the ugly linchpin of their effort to stigmatize and attack our poorest citizens. They realize that a social audit would force them to open up their books wide, to analyze why these extraordinary amounts of money have been spent with so few benefits in return.

My resolution today was aimed at seeing that the Kimberly Rogers tragedy is not repeated in this province. One would hope that our government would share that desire. But it was also an honest attempt to do an evaluation that is legislatively mandated in other jurisdictions because of a recognition that major social changes require an equally major review. What is becoming clear is that the Mike Harris government will not allow this to happen under their watch, obviously for fear of what we will find.

This battle is not over.

### DENTAL HYGIENE WEEK

**Mr Bart Maves (Niagara Falls):** Speaker, do you have sore teeth? Do you have bleeding gums? When I

ask you these questions, who do you think of immediately? Hygienists.

I'm delighted to stand today to acknowledge national Dental Hygiene Week, which runs from October 14 to October 20.

Dental hygiene is vital to oral health care and overall health. Think about these facts: although the occurrence of tooth decay is decreasing among young people, it is increasing among seniors. The health of teeth and gums is linked directly to overall health. The link between oral infections and other diseases in the body is becoming well documented and accepted within the health care community. A dental hygienist's job is to help prevent gum disease and tooth decay and to promote oral health. Dental hygienists are not just teeth cleaners; they also assess, plan and implement preventive treatments and customize education for individual oral care needs.

Currently there are approximately 6,200 registered dental hygienists practising in Ontario. This makes dental hygiene one of the largest regulated health professions in the province. As we begin National Dental Hygiene Week, we acknowledge the important role dental hygienists play in promoting overall wellness through optimum oral care. This week, thank your hygienist.

### OPPOSITION DAY MOTIONS

**The Speaker (Hon Gary Carr):** Members will be aware that there appears on today's Orders and Notices paper two notices of opposition day to be debated next week.

Under standing order 42(d), the Speaker is required to select one of the notices for consideration, taking into account the order in which they were received.

I would like to advise the members that the motion by Mr Hampton will be the one that will be selected for debate next week.

### INTRODUCTION OF BILLS

#### MUNICIPAL ACT, 2001

#### LOI DE 2001 SUR LES MUNICIPALITÉS

Mr Hodgson moved first reading of the following bill:

Bill 111, An Act to revise the Municipal Act and to amend or repeal other Acts in relation to municipalities / *Projet de loi 111, Loi révisant la Loi sur les municipalités et modifiant ou abrogeant d'autres lois en ce qui concerne les municipalités.*

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short explanation?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** In minister's statements.



PROTECTION OF CHILDREN  
ON SCHOOL BUSES ACT, 2001

LOI DE 2001  
SUR LA PROTECTION DES ENFANTS  
DANS LES AUTOBUS SCOLAIRES

Mr Hoy moved first reading of the following bill:

Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses / Projet de loi 112, Loi modifiant le Code de la route en vue de protéger les enfants lorsqu'ils sont dans des autobus scolaires.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Pat Hoy (Chatham-Kent Essex):** This bill addresses a long-standing need to protect Ontario's school children. It would provide a conviction mechanism for a vehicle that illegally passes a school bus with its red warning light flashing.

FIREFIGHTERS' MEMORIAL ACT, 2001

LOI DE 2001  
SUR LE MONUMENT COMMÉMORATIF  
EN HOMMAGE AUX POMPIERS

Mr Wood moved first reading of the following bill:

Bill 113, An Act to honour firefighters who have died in the line of duty / Projet de loi 113, Loi visant à rendre hommage aux pompiers décédés dans l'exercice de leurs fonctions.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short explanation?

**Mr Bob Wood (London West):** The people of Ontario are well aware of the skills, dedication and courage our firefighters bring to what they do. Some firefighters lose their lives in the course of this work. This bill sets in motion a process which will result in a memorial to fallen firefighters on or near the precinct of this Legislature. I hope it will be supported by all members of this House.

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CARLEIGH AND EMILY'S LAW  
(EDUCATION AMENDMENT ACT -  
SPECIAL EDUCATION ADVOCATE), 2001

LOI CARLEIGH ET EMILY DE 2001  
MODIFIANT LA LOI SUR L'ÉDUCATION  
(CONSEILLER À L'ENFANCE  
EN DIFFICULTÉ)

Mr McMeekin moved first reading of the following bill:

Bill 114, An Act to amend the Education Act to provide for a Special Education Advocate / Projet de loi 114, Loi modifiant la Loi sur l'éducation en vue de prévoir un conseiller à l'enfance en difficulté.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short explanation.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** This bill would amend the Education Act to provide for a special education advocate who would investigate and report to the minister on special education matters, make recommendation to the minister on those matters, including recommendations for changes in provincial funding, and advise and assist the parents and guardians of pupils in special education matters.

STATEMENTS BY THE MINISTRY  
AND RESPONSES

MUNICIPAL LEGISLATION

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I'm very pleased today to introduce a new Municipal Act for the province of Ontario. This has been a long time coming. The legislation governing Ontario's municipalities is more than 150 years old. It has been changed and amended and added to, but it has never had the comprehensive overhaul that it so badly needs.

Municipal politicians and staff across this great province work very hard to deliver important services to our collective citizens. People take these services for granted, but I can tell you that municipalities need the tools to provide good police protection, pick up garbage, clear our streets, and make sure our communities are better places to live.

Over the last century and a half, people at the municipal level have faced increasingly stressful times. Services that weren't even thought about to be delivered 150 years ago are now expected. In fact, today's municipalities are doing things their predecessors even 50 years ago never dreamed of. Each time municipalities took on some new responsibility, the Municipal Act was added to or amended to reflect the change. The result is a body of municipal legislation that is very long and very complicated.

For many years, municipalities have been asking for a comprehensive reform. When this government took office, we announced our commitment to a new, modern, more streamlined, easier-to-use Municipal Act. The members will realize that overhauling such a long and complicated piece of legislation has been a monumental task. We have consulted extensively with municipalities, the business community and others with an interest in municipal government. We needed to make sure that a new act wouldn't upset the delicate balance that had been achieved over the years among various competing interests. Now, after a century of promises, the Mike Harris government has found a way to maintain the essential balance between good municipal government and service delivery and the need to ensure a dynamic, barrier-free economy in which Ontario towns and cities can maintain their competitive position.

I'd like to take a moment and thank my colleagues who have worked so hard to build a consensus on this issue since 1995: former ministers Al Leach, Steve Gilchrist and Tony Clement, and former parliamentary assistants Ernie Hardeman and Brian Coburn.

I'd like to recognize the important contribution of many municipal associations and employees who gave of their time to bring this new act together. We will continue to rely on them as we work on the regulations. President Ann Mulvale from AMO and past presidents Michael Power and Terry Mundell have all been instrumental. Past president, and present mayor of the city of Mississauga, Mayor Hazel McCallion, I want to personally thank you. Joining Mayor McCallion in the gallery today are Toronto Board of Trade representative Elyse Allan, president and CEO; and the president of the Ontario Restaurant Hotel and Motel Association, Terry Mundell. I've appreciated the work these people and other business associations have done to bring this act forward to where it is today: groups like the Canadian Federation of Independent Business, the Urban Development Institute, the homebuilders' association and countless others have volunteered their time to try to get this act right for the benefit of the people of Ontario.

I'd also like to thank Premier Mike Harris, who has been instrumental in building a new, stronger relationship with the municipal sector. I'd like to thank staff at the ministry of Municipal Affairs and Housing, who have been committed to Municipal Act reform over the past several years and have worked extremely hard.

Let me briefly outline the thrust of the new Municipal Act. If it is passed by the Legislature, the new Municipal Act would give municipalities the tools they need to tackle the challenges of governing in the 21st century. It would allow municipalities to organize and deliver their services as they see fit, involving the private sector where appropriate in keeping with local needs. It would give municipalities broad, flexible authority in 10 areas of jurisdiction. It would give them what we call "natural person powers," to be used in areas in which they have the authority to act.

This broader authority would be balanced by a substantial accountability framework. Municipalities are already subject to a great many accountability measures. The proposed legislation would add a few more. For example, licensing and user fee processes will be made tighter and more transparent. Municipalities would be required to report to the taxpayers on improvements in the efficiency and effectiveness of their service delivery, and they would be required to pass bylaws setting out procurement procedures. These measures are already standard procedure in many municipalities across this province.

The proposed new act also includes measures to give municipalities more authority to make their communities safer. It would deliver on our Blueprint commitment to give municipalities new power to ask the courts to close crack houses as public nuisances, and it would help municipalities deal with fortified buildings used by

motorcycle gangs as clubhouses or by others, by allowing municipalities to enact bylaws to address excessive fortification of buildings.

The proposed act would also contribute to Smart Growth by giving municipalities more authority to set up corporations and to involve their private sector partners in financing and undertaking public projects.

There's one more key element to this new act. For the first time in the history of Ontario, it would acknowledge, right in the introduction, that municipalities are responsible, accountable governments. It would formally recognize the importance of prior consultation between the province and the municipalities on matters that directly affect them.

This new Municipal Act, if it is approved by the Legislature, will become the cornerstone for a new, more mature, more productive relationship between Ontario's municipalities and the provincial government. That's a big step forward for municipalities and for the people they serve: the people of Ontario.

I would encourage all members of this Legislature to support this act and usher in a new era of better, more accountable, responsible government in our communities.

**The Speaker (Hon Gary Carr):** Responses?

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** At the outset, I just want to take a moment. It's been drawn to my attention that Mrs Linda Carey is here. My private member's bill is subtitled the Carleigh and Emily bill, and Mrs Carey is Emily's mother. Welcome, Mrs Carey.

I had the good fortune to attend today's announcement. I want to begin by applauding the minister for his initiative. I'm pleased that after a few false starts we've finally taken the first step in the process of developing this new Municipal Act. That said, I want you to understand that I'm not here to be the government's cheerleader.

The Municipal Act is as complex and important as it is historic. The response that we heard this morning and have heard in the House today is coming from the same government that created many of the problems that municipalities have been saddled with over the last six years. Let me remind you that this was the government that promised that downloading would be revenue-neutral and that they wouldn't force amalgamation on to any community. It's going to take a lot more than a new Municipal Act to have the people in my community forgive this government for what it's done.

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It's truly difficult to get a feel for the act; we've just received it. Rest assured, Mr Minister, I'll be spending the rest of the day reading it.

This is a government that has a track record of not being upfront with municipalities. Let me tell you about the minister's predecessor, Mr Clement. When he was Minister of Municipal Affairs he also talked about trust and respect. I hope the chaos that was created in municipal affairs under his tenure isn't repeated in his new portfolio in health. Don't take my word for it. Just



look at the AMO study that was completed in August, just after Mr Clement's tenure, where 88% of the respondents said the government wasn't communicating well and where 74% said they were clearly on the wrong track. Frankly, Mr Minister, your predecessor seemed intent on turning municipal friends into enemies with his legacy of insensitive treatment and his tendency toward abandonment and betrayal of Ontario municipalities.

I want to make a suggestion here and now: if you want to do something right for municipalities, why don't you take my leader's advice and fast-track the \$1.5 billion in funding for SuperBuild projects across Ontario? It's well and good to talk about trust and respect, and the need for a memo of understanding about the need to consult, but that's a far cry from what is needed, particularly given this government's chaotic recent history with municipalities. I can still remember that Who Does What exercise and I know there are some people in the gallery here today who will recall that with me. This government sought the very best advice possible before proceeding to completely ignore it, shamefully. It's no wonder that relationships have been in some trouble.

I want to conclude by referencing trust and respect and a set of principles that we on this side of the House intend to template over the act as we go through it, Mr Minister, as you know we will. There are eight basic principles that will guide our intervention on this bill:

(1) Will this bill end the war of attrition between municipalities and the province?

(2) Will responsibilities be handed off to municipalities with tools other than hammers and screwdrivers?

(3) Will the time be taken for full debate and discussion? If this bill is half as good as you and members on the opposite side think, you'll have no difficulty seeing it forged in the fires of debate.

(4) Does this Municipal Act help municipalities be more accountable?

(5) Will the mayors of municipalities be allowed sharp scissors when they cut ribbons or will that be part of some obscure accountability mechanism?

(6) Are there additional spheres of influence that need to be added?

(7) Will this act enhance the ability to build stronger, healthier communities?

(8) Will real power be ceded to municipalities?

This is a start. It's an important start. It's one I want to commend the minister for. Mr Minister, it is a day to give credit to you and our municipal colleagues but it is not yet a day to celebrate.

**Mr Michael Prue (Beaches-East York):** I would like to thank the minister and the page who brought me this little package to read. Unfortunately, I didn't have a chance to read it all before I stood up to speak. It's only, though I thank you, about half the size of a city of Toronto council agenda meeting, so that I was able to get almost halfway through it in the brief time, and I did find a typographical error in subsection 346(1) that I will bring to the minister's attention.

Ontario's cities and towns are in need of bold solutions. They are in need of revenues. They are in need of legislative authority. They need the tools to look after economic development so that our people have work. They need the tools to look after housing so our people have places to stay and to live. They need the tools to look after transit so that we do not have gridlock and we do not have problems in our cities. They need the tools to look after urban sprawl.

Mr Minister, I commend you for bringing in a new Municipal Act and I commend you for reducing it from 1,100 pages to 566. That is going to save at least half the time looking up all the things that need to be looked up every time a municipal bill comes before this Legislature. But there is little in the bill, with the greatest of respect, that has changed since 1849. Cities are still creatures of the province in this bill, and that is not acceptable in this day and age. In the last 150 years, revenues have gone up enormously—enormously—for federal governments and for provincial governments but they have been flatlined, unfortunately for too many years, for our municipalities, especially the bigger municipalities. They have not had the tools nor the money to do what is necessary, and we are starting to see urban decay. The cities need bigger tools than a memorandum of understanding, as good as that is and as forward a step as that is.

The large urban mayors will be meeting in Toronto this weekend to talk about charter status for our cities. That's where we should be heading. The city should have charters and rights under the Constitution. They should have that. They should have constitutional protection. They should have the authority—and they have no authority—to challenge things like amalgamation, which many cities do not want and which was forced upon them. They should have the authority to not have forced downloading of things they do not have the money to look after. They should have the authority to look after demolition of historic properties. They should have the authority to look after the reduction in the number of councillors, which happened recently in Toronto, from 57 to 44, and which is rumoured might be from 44 to 22. They need the authority to look at the lack of opportunities they have of being able to raise tax revenues. There is nothing in this bill that will do that.

The cities and towns of this province need a new deal. I welcome a very timid first step, but that is all, with respect, this is: a very timid first step. We need to immediately sit down and do a memorandum of understanding, which must include concrete proposals like giving cities charter status; giving them constitutional rights; making sure they cannot be downloaded, as is going to happen in BC; making sure they cannot be amalgamated against their will, as has happened to so many municipalities across this province; making sure they can look after things like rent control. People in large cities and towns are having a very real problem which is not universal to all of Ontario. It is absolutely endemic to large cities and towns like Toronto, like Hamilton, like Ottawa, like Peterborough, where the vacancy rates are low.

We are asking you, with respect, to take this first timid step, to send it but to be bold, to look to the 21st century, not to look to what we needed 20 or 30 years ago, which I would suggest this bill addresses—and that's much better than 1849—but to look to the 21st century and the 22nd century, because it's going to be a long time, I would guess, before this bill gets looked at again; to make sure the cities are constitutionally empowered, that cities are able to do what large urban cities all across the world are doing: developing and being the engine of economic progress.

**Hon Chris Stockwell (Minister of Labour):** Give him five more minutes.

**Mr Prue:** Thank you, Mr Stockwell. You're always brilliant.

*Interjection.*

**Mr Prue:** Well, no, I don't recognize that.

Mr Minister, I am asking you to take those extra and bolder steps. I am asking you to do what needs to be done to make sure that this is not only a first step but a very good first step, and that the future for cities is much stronger than it is today.

## LEGISLATIVE PAGES

**The Speaker (Hon Gary Carr):** Just before we begin with oral questions, today is the last day for our group of pages. I'm sure all members would like to join in thanking our pages for the job that they've done.

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## ORAL QUESTIONS

### PUBLIC HEALTH

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. Minister, we learned yesterday that you have fired five scientists who do the research on public health in this province. You repeatedly assured us yesterday that you are hiring more people to do testing. That is fine, but it's not the issue.

We are concerned that you fired these five people: Dr Ching Lo, who chaired the 1999 conference on bioterrorism—incidentally, the same Dr Lo that you asked to help you deal with the West Nile virus just this past summer; microbiologist Catherine Smitka, who received an award for her groundbreaking work on infectious diseases in children; Dr Martin Preston, who developed the method for fingerprinting *E coli* 0157, the bacterium involved in the Walkerton tragedy; Dr Norma Harnett, who is a noted expert on antibiotic-resistant superbugs; and Dr Stephan Wang, who is an expert on chemical toxins.

Minister, some of these scientists are in the Legislature with us today. Will you tell them and us that you have reconsidered their firings and that you are going to keep their expertise in the Ministry of Health?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me say at the outset that I wish to assure you that the safety of Ontarians has not been compromised in any way. In fact, it has been increased due to the redeployment of all available staff resources to the lab testing.

We have added a total of 50 people throughout the province. Next year we will be adding more personnel on an as-needed basis for the testing. The individuals to whom you refer are analysts who are not bioterrorism experts. They have never done any work on organisms associated with bioterrorism nor have they indicated any expertise as long as they've been employed but the Ontario government.

I wish to assure the people of Ontario that all available resources for testing will be ongoing and will indeed be increased as the need arises.

**Mrs McLeod:** That is absolutely incredible to me that 24 hours after these questions get raised in the Legislature you still fail, as Minister of Health, to understand the difference between research and testing and you are still prepared to abandon any responsibility for understanding the kind of threat to public health that the people of this province may face.

Of course we need to be able to test people who may have been infected, but the people doing the testing need to know what they're looking for, what to test for and what tests to do. That's exactly the kind of knowledge being produced by the five scientists you are firing.

Minister, you are Minister of Health in the most populous province in this country and your public health department has a responsibility to investigate and manage anything which is a hazard to public health. In fact, according to your mandatory programs, you are required by law to ensure that there is an investigation and management of health hazards.

It is ever more important that you accept that responsibility and I ask, why are you firing the very people who give you the ability to carry out your responsibility for the public health of the people of this province?

**Hon Mr Clement:** Let me assure Ontarians that their safety has not been compromised. The individuals to whom you refer, the analysts, have never been involved in research, planning, testing or response to bioterrorism. They have not been involved in that research, they have not been involved in that planning, they have not been involved in that testing and they have not been involved in anything relating to the issues to which the honourable member refers.

From my perspective, we are putting the resources where they are necessary. We have added 50 staff to date when it comes to testing and we will continue to add personnel as and when needed by the province of Ontario to protect the safety of our citizens.

**Mrs McLeod:** It seems strange to me that you would suggest that identifying the means of recognizing the *E coli* bacteria is not important in research for public health. Minister, it seems to me that you are dealing with public health in exactly the way you are dealing with



your entire ministry, that you are lurching from crisis to crisis and you keep creating the conditions for the crisis.

You've just fired five scientists who give you the knowledge to investigate new health hazards. You're planning to cut more mandatory public health programs. You've downloaded the responsibility for public health programs and for public health funding on to municipalities. We're hearing from medical officers of health from across this province that you're taking absolutely no responsibility for coordination or direction or support on a critical issue like managing the threat of bioterrorism. We're being told that those 37 individual public health units are out there all on their own.

Minister, I tell you, we have already had a crisis in our public health system. It was in Walkerton and it led to the deaths of seven people. We cannot risk another crisis, not when we're talking about something like the threat of anthrax.

Will you today finally accept some responsibility for public health and take immediate action to prevent another crisis? Will you start by rehiring these five scientists?

**Hon Mr Clement:** Let me assure this House that indeed we are meeting that threat to which the honourable member refers: 50 people added to our staffs, including the three I mentioned yesterday in the Etobicoke branch. I can tell you that when it comes to the public health units, we have been in constant communication, either through my medical officer of health for Ontario or through other officials, with every single public health official. We are supporting them; they are supporting us. We are working together. Indeed, we are working with our federal counterparts in Health Canada.

That's the way it should be in times of crisis. We are taking this seriously. We are working together regardless of political hue, regardless of political perspective. We are working together with the people who have to make some difficult but necessary decisions to protect the people of Ontario and Canada, and that will continue.

#### PUBLIC SAFETY

**Mr Rick Bartolucci (Sudbury):** My question is to the Deputy Premier. Our firefighters and police officers rely on suits called hazardous materials outfits and biological-chemical bomb suits to keep them safe when they are dealing with dangerous, potentially deadly chemicals. Municipalities are responsible for providing these suits. They can cost up to \$20,000 and they can only be used once. They are very necessary, especially now with the new threat of bioterrorism. These suits protect the men and women who put their lives on the line every day to keep us safe: our front-line officers, our first-response teams.

My municipality, like all other municipalities across Ontario, cannot afford the cost of training and the purchase of the equipment necessary to keep us safe against bioterrorism. Yesterday my leader, Dalton McGuinty, outlined a plan that would help make Ontario

safer. McGuinty's Ontario security fund would give municipalities the funds they need to keep us safe, with access to money to buy hazardous materials outfits.

Minister, on behalf of the firefighters and police officers across Ontario, will you implement the McGuinty plan for Ontario security that would commit funds to ensure municipalities across the province can protect their people against this threat?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** Public safety is of course a top priority at this time in the western world. We are all concerned about the issues that follow on the tragedies of September 11. I think it's fair to say that we are also concerned that people not get frightened or change their normal work habits or stop travelling or stop enjoying life and economic activity in Ontario. I'm sure the member opposite would share the view that we don't want to discourage people from normal economic activity.

With respect to the issue raised of emergency management workers, certainly everything is on the table. We're prepared to look at what needs there are across the province in terms of emergency services. These are major issues. But I would again say that we want to make sure people do not enter into any sense of panic or anything like that with respect to issues that, fortunately, are mainly hoaxes and not genuine threats to the health of people.

**The Speaker (Hon Gary Carr):** Supplementary?

**Mr Dave Levac (Brant):** Minister, your government is about to require municipalities to update their emergency response plans, and I applaud that, but as you know, 70% of those municipalities haven't even practised those plans, of the 90% that already have them in place. A lot of it is due to funding. This law will be meaningless if they can't afford to carry out those plans and train their people. You have to be part of this. That means you can't just download that responsibility and not pony up.

Dalton McGuinty's Ontario security fund would provide municipalities with the funds they need to update their plans, train their staff and keep Ontarians safe. It would also ensure there are sufficient funds at a provincial level to ensure that those emergency plans are integrated, that our nuclear power plants are safe, that our government buildings are safe and, more importantly, that all the people of Ontario are safe. The McGuinty plan will do that. We've looked at the numbers and they do bear it out. Will you act on that today, Minister?

**Hon Mr Flaherty:** Our government takes these issues extremely seriously, as you know. These are issues of public security. They're not issues that are confined to municipalities or to the provincial government or to the federal government. All levels of government share these concerns to support and ensure public safety in the province.

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Throwing money at the problem simply is not the answer. Intelligent analysis of the security issues is the answer. Necessary funds may well have to be committed

for additional resources. But I think the first step ought to be, and I think the member opposite would likely agree with this, that we need to analyze the security concerns, make sure emergency workers make us aware of the needs that they have, co-operate with the municipalities and co-operate with the federal government in the interests of the protection of all of the people of Ontario.

**Mr Michael Bryant (St Paul's):** This government has been seized by a paralysis of analysis when it comes to constructive, pragmatic proposals from Dalton McGuinty and the Ontario Liberals. I say to the Deputy Premier, this agenda of inaction has got to end. Dalton McGuinty and the Ontario Liberals have been calling upon this government to beef up hate crimes enforcement, increase security in nuclear plants, increase security at water reservoirs and water treatment plants, bring on the antiterrorist legal amendments to Bill 30 and sign on to the national counterterrorism plan. To this and much more this government has said nothing, nothing, nothing and more nothing.

I say to the Deputy Premier, stop accusing Ontarians fearful of their security of fearmongering. Call it the Flaherty fund, for all we care, but it is time to implement the McGuinty security fund. It is time to get down to the hard work of restoring Ontarians' personal and economic security and that first step is signing on to the Ontario McGuinty security fund. Do it soon, do it now.

**Hon Mr Flaherty:** I remember as Attorney General introducing legislation that would help deter organized crime and money laundering in the province of Ontario. I wish the member from St Paul's had shown the same enthusiasm in supporting that legislation as he now says he does for antiterrorism legislation. As he should know, money laundering is one of the major concerns with respect to ways in which terrorist activities are supported in the world. So now I'm pleased that he, representing I'm sure other members opposite, supports more security and tougher laws so that the people of Ontario will be more secure from terrorist activity in the world.

#### PUBLIC HEALTH

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Health. We watch as our neighbours to the south in the United States struggle to do the research to understand how anthrax may have been changed or a delivery mechanism for anthrax may have been developed. At the same time that the United States is struggling with that research, you are going to fire here in Ontario five internationally respected experts in the field of biology and in the field of biochemistry, experts who have helped your government before.

Minister, you claim to be a candidate for the leadership of the Conservative Party. Can you tell us, at a time like this, is this what you mean by leadership, to fire the very expertise that is now so much in demand in the United States?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I can assure this House and Ontarians that

we are not dispensing with the expertise related to bioterrorism. I can assure you that safety has not been compromised. I can tell you that the staff to which the honourable member refers were never involved in research or planning or testing or any response at all to bioterrorism. The research capability is still there, the testing capability is being enhanced. We have five new staffers who were added last year alone to testing and we will continue to add to the staff on an as-necessary basis. Let me assure this House that we are responding to the threats of bioterrorism, we are putting our resources where they are needed, and that will continue.

**Mr Hampton:** Minister, the work that these scientists do is on the leading edge of discovering and learning how to deal with mutations of existing biological agents, looking at the new kinds of bugs and doing the research which tells us how to address new developments in the field of biology. One of them identified the new strain of *E coli* which killed seven people.

But you told us something else yesterday. You said you would ensure that the work that needed to be done would be done at the Health Canada laboratory in Winnipeg. We contacted the Health Canada laboratory. They have to find \$12 million in order to hire more scientists because they cannot keep up with their work as it is.

Can you explain now how firing the scientists in Ontario and then sending the work to Winnipeg is going to get done when they say point blank they don't have the budget or the staff to do it?

**Hon Mr Clement:** I would say two things. First of all, their budget and staff have just been enhanced. Perhaps the honourable member should read the press clippings from Health Canada. Secondly, our budget and our capability has been enhanced. I reference the 50 new staff from last year. We are adding staff this year on an as-necessary basis, and that will continue.

Our commitment to the safety of Ontarians, to the public safety in Ontario, will continue and will continue to be enhanced on an as-necessary basis. The individuals to which he referred were not involved in bioterrorism research, were not involved in bioterrorism planning, were not involved in bioterrorism testing and were not involved in any form of response to bioterrorism. But we are putting the resources where they are needed right now and that will continue.

**Mr Hampton:** It's so evident that this government believes that once you put a stamp of "bioterrorism expert" on someone, then they qualify. You're right; they don't have stamp that says "bioterrorism expert." What they have is international respect and international acknowledgement as being leading scientists in their field who can bring their knowledge to bear on these problems. And you're firing them.

I want to point out something else you said yesterday. You said that the Centers for Disease Control would be able to help you. Well, we contacted the Centers for Disease Control in Atlanta. This is what they said: they are so overworked, so overloaded, they can't even



respond to media requests for information within 48 hours, never mind respond to the needs of a foreign government.

Tell us again, Minister—the federal lab can't do it, they don't have the people, they don't yet have the budget; the Centers for Disease Control in Atlanta says they are overworked, they can't do it—who is going to do this work in Ontario after you have fired these scientists? Because you're not going to get help anywhere else?

**Hon Mr Clement:** Let me again assure this House that countering bioterrorism is part of our top priority in the Ministry of Health and the government of Ontario. I myself am meeting with Allan Rock tomorrow to discuss how we further integrate the response of Health Canada and the Ministry of Health and Long-Term Care in Ontario to ensure that we are protecting Canadians and protecting Ontarians. We are working together, two different levels of government—different political parties, I might add—and yet we are working together to help keep Canadians and Ontarians safe and secure.

The honourable member mentions the Centers for Disease Control. Let me again remind this House that on the very day after September 11, on September 12, our officials were directly in contact with the Centers for Disease Control and we in fact disseminated the protocols that the CDC had employed throughout the province of Ontario, with emergency personnel, with ambulance personnel, with hospitals and with doctors. That is the kind of foresight and leadership that this government has shown and will continue to show.

### EDUCATION FUNDING

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Education, and we'll see what kind of leadership she can provide.

Minister, I'm going to send you a memo from the treasurer and superintendent of business of the Bluewater District School Board. In this memo he points out that they don't have enough money in their operating budget for all of the school operations this year. In fact, they're \$1.1 million behind, thanks to the inadequacies of your funding formula. But then he goes on and he makes an incredible request in the memo. It asks schools to contribute "school fundraising dollars" to the board's budget.

Minister, is this your idea of leadership in the field of education, that boards of education now go after our children's chocolate bar fundraising money in order to meet the boards' budgets?

**Hon Janet Ecker (Minister of Education, Government House Leader):** The honourable member obviously hasn't noticed that there has been more leadership talent on this side of the House in our current Premier and in this caucus than we've ever seen from that caucus over there.

But to the point he raises, fundraising through schools, as he knows, has been happening for many years. This is a board that has continued to receive funding above the

enrolment stats they have. We recognize that many boards that cover large areas, remote and rural areas, have unique challenges in meeting the education needs of their students. That's why those boards have received additional funding. We have special factors in place that recognize the unique needs of remote and rural boards, and we're going to continue to support our school boards in delivering quality education for our students to help improve student learning.

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**Mr Hampton:** Minister, we already know the Minister of Finance is running your ministry by remote control, and your comments today just prove that. We saw earlier the Minister of Finance take \$300 million out of public education to fund private schools, and you had nothing to say. Now we have a memorandum from a treasurer of a school board that says, "The funding formula is not adequate. We're \$1.1 million behind in the school operating budget." And then he says to all the principals, "Can you get some money out of the children's fundraising efforts in order to help the board with its budget?"

Minister, show some leadership. Tell us you're not going to allow that to happen. Tell us that you are going to show some leadership and that you're going to fight for some more money for our schools so we don't have to steal from the chocolate bar fund.

**Hon Mrs Ecker:** To the honourable member: I would rather have any other minister on this side of the House running education than the honourable member, with all due respect to him.

We recognize that investments in our public education system are an important priority. We have continued to do that. We have continued to increase the money available for our public education system. But at the same time, our school boards, in the same way as any organization, in the same way as working families, in the same way as any other organization, have to set their priorities and live within their means. That is a fair way to treat the taxpayers of this province.

Continuing to increase investments in public education does not on its own get us improved student learning. If he thinks the answer to our students who may not be meeting acceptable literary standards is just to wander out there and increase money, he doesn't know what we need to do to improve student learning, and that's setting higher standards and putting in place the supports to have those children meet those standards. That's what's working, not their failed policies.

### PUBLIC HEALTH

**Mr James J. Bradley (St Catharines):** I have a question for the Deputy Premier. The Deputy Premier would know that the government appears now to be engaging in unilateral disarmament again in the fight against bioterrorism, if we are to watch what the Minister of Health did yesterday. Yesterday the Minister of Health was busy firing five of the top research scientists in the Ministry of

Health, scientists whose knowledge and expertise are essential in combatting bioterrorism.

Five years ago, without ever considering the consequences of your action, your government closed all the regional laboratories of the Ministry of the Environment, a mindless, reckless, irresponsible action if I've ever seen one. We need those laboratories today to be able to respond quickly and with quality to crises that might arise.

Will you now admit that the closing of the laboratories was a tragic mistake, and will you now re-establish the high-quality, reliable Ministry of the Environment laboratories so Ontario is in a position to respond to the kind of bioterrorism threats that unfortunately are likely to be with us for some time to come?

**The Speaker (Hon Gary Carr):** Deputy Premier?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** To the Minister of the Environment.

**Hon Elizabeth Witmer (Minister of the Environment):** To the member opposite: I can certainly appreciate the concern that is being expressed at the present time in the province of Ontario, but certainly, as the member full well knows, we have very capable and very competent private labs in the province which are quite capable of dealing with any initiative and any actions that would be required of them.

**Mr Bradley:** One of your predecessors slammed the door shut and nailed the windows of the building because you have regional laboratories in London and Kingston and Thunder Bay that are today closed, and the people who work there fired out the door. Today we'll need a quick response. We don't like this happening, but we're going to need a quick response in case of danger.

Dr Richard Schabas, the former chief medical officer of health, said, "Occasionally, health departments are involved in non-communicable disease outbreak investigations involving exposure to lead, fluoride, or nitrates/nitrites. Boards of health are mandated by the mandatory programs and services guidelines under the Health Protection and Promotion Act to respond immediately to such outbreaks. Testing of water supplies often plays a vital role in these investigations. Traditionally, health departments have relied on the Ministry of Environment and Energy laboratory to assist in these outbreak situations. Is it possible for the Ministry of Environment and Energy laboratory to continue to provide this special service?" This was a memo to your ministry in 1996.

I ask the minister, will she now implore the Treasurer and the Premier of this province to reopen those high-quality, very reliable laboratories that are regionally around Ontario to deal with not a perceived but a real threat of bioterrorism and the everyday problems that confront us in terms of water quality and disease?

**Hon Mrs Witmer:** Certainly I can understand the basis of the question that has been posed. I think we need to take into consideration the fact that there is presently an inquiry going on regarding the entire situation at Walkerton. This well could be an issue that is being

considered. We may need to await the recommendation of the Walkerton commission.

But I want to assure you that the labs we have available to us in Ontario today, also the ability we have to use the lab in Winnipeg, are certainly responding to the needs of Ontarians at the present time. I know that the emergency response team is very carefully monitoring what else might be required. Obviously, if this is a priority, we will need to take action.

## CORRECTIONAL SERVICES

**Ms Marilyn Mushinski (Scarborough Centre):** My question is for the Minister of Correctional Services. As part of this government's ongoing mandate of accountability, we introduced an action plan in the budget to deal with fiscal accountability in the entire public sector. The Mike Harris government knows that accountability is required, not just of Ontario's government but of all governments and indeed all the institutions funded by taxpayers. The taxpayers of Ontario know that their hard-earned dollars are being spent by this government and their institutions in a responsible and efficient way.

I read with great interest recently a publication by the correctional division of OPSEU called *The Correct View*. In the October 11 issue, there was mention of a new section being added called "Waste Watchers." This new section is apparently an effort by the union to highlight examples of waste within the Ministry of Correctional Services. The union is asking their membership to report on any incident of waste within—

**The Speaker (Hon Gary Carr):** Sorry, the time is up. Minister?

**Hon Rob Sampson (Minister of Correctional Services):** I thank the member for Scarborough Centre for her question. Yes, indeed, the correctional section of OPSEU has said that they're going to be looking for waste within the Ministry of Correctional Services. I welcome that.

I think we can take all the support and help from Ontarians across the province to look for waste throughout all the ministries of government. In fact, this government, the Mike Harris government, has taken significant steps toward reducing waste within government and looking within ministries, in what effectively is a zero-based budgeting process, to make sure we are spending taxpayer dollars wisely and effectively and we can report to taxpayers to that effect. I say to the members that across all of the correctional services, within all our institutions and outside of the institutions, as well as any public servants within Ontario, if you can help us save taxpayers' money, let us know. We're there.

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**Ms Mushinski:** Minister, as part of the Mike Harris government's commitment to have safer, more secure, efficient, effective and accountable correctional services, you have also partnered with the private sector to deliver services. By the introduction of public-private partnership, our government believes that Ontario's correctional



services can reach a proper balance of detention, correction and accountability, something that we know the Liberals never understood when they were in power.

Public safety can be protected and taxpayers' dollars will be spent effectively. On May 5, 2001, you announced Management and Training Corp as the first private operator of an Ontario adult facility in Penetanguishene. Minister, can you tell us how you will hold private operators like MTC accountable?

**Hon Mr Sampson:** There are some people in this House, I say to the member and to the rest of the members of the Legislature, who think that the decision on who should run our jails should be based on ideology. We don't think that. We think the decision on those who run jails should be based upon how they run them, especially if you're looking at running jails safely, securely, effectively and efficiently. If you want to be publicly accountable for those particular aspects of running corrections, then you need to take a look at all operators, public and private, non-profit, whatever, who can help you achieve those objectives.

To stand and say that those who run jails should be based solely on some particular ideology is wrong. We need to take a look at results and we need to challenge those who are running the facilities to get those results. Indeed, that's what we've done with Management and Training Corp and will continue to do throughout all of our institutions.

#### ONTARIO ECONOMY

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Finance. He will know that there's major concern in Ontario about our economy. I think it's fair to say the concern is growing more every day. Bank economists are now telling us that Ontario's performance will be the worst of all the provinces this year and next year.

The budget you presented just six months ago promised 150,000 jobs this year. In the last four months alone we've lost 26,000 jobs.

Ontario needs from the government a clear outline of where we stand economically and fiscally and what the government plans to do about that. We've now got the second-quarter fiscal results in, so there's nothing that needs to delay you.

My question is, will you commit today to the people of Ontario that you will provide us with a revised economic and fiscal outlook, and with your plan of how to deal with the slowdown? Will you promise to do that before we have our one-week break that will be coming up in just three weeks?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** I thank the member opposite for the question. Yes, we've already committed to doing the traditional Ontario fall financial statement. That will happen in the normal course. I would expect it would be during the month of November. I'll take under advisement the member opposite's suggestion that it be before the break in November.

I expect to be meeting at the end of next week, I believe it is, along with the other provincial and territorial finance ministers and with the federal Minister of Finance in Ottawa. We're going to be reviewing the fiscal situation across Canada. The provincial and territorial finance ministers met together for two days last week in Vancouver.

The member opposite is correct that there are concerns, of course. There's an economic slowdown and there are the consequences of the tragedies of September 11. He's quite right that all of these facts affect the economic performance of Canada and of Ontario and need to be reflected in a fall economic statement. I hope that he'll encourage his federal counterpart, Paul Martin, to produce a full budget, which we have not seen from Ottawa in 18 months.

**Mr Phillips:** You might focus on the challenges Ontario faces. Last year you presented the economic outlook in December. I say that's too late. I say that we have a serious problem on our hands that's getting worse daily. There's nothing that prevents you now from presenting this fiscal and economic outlook.

The one thing you have done is, you have announced that corporate taxes in Ontario will be 25% below our competitors in the US. In our opinion, that puts at risk our health care and our education system. Obviously, when you made that announcement to speed this up to October, you had the analysis done that would show that we could sustain our education and health care systems. I would ask, in addition to this fiscal and economic update, that you provide the people of Ontario with the analysis that you must have had done that shows we can have corporate taxes 25% below the US and still sustain our education, health care and community services. Will you commit to presenting that study?

**Hon Mr Flaherty:** When the members opposite formed the government in Ontario, we had high taxes. We had increasing taxes, year after year, in good economic times, from 1985 to 1990. You put Ontario in a position, by 1990-91, that Bob Rae and Floyd Laughren had difficulty bringing this province back out of recession. Despite the fact that the US economy started to recover in 1991-92, it wasn't until Premier Harris was elected in 1995 that we were able to start to turn the ship around in Ontario and create low, competitive taxes, a balanced budget and fiscal responsibility.

That's what we've had in Ontario under the leadership of Michael Harris since 1995. That's why we have a strong, diversified economy. That's why we're in a position now to build on that foundation at a time of economic slowdown. Would that the NDP government had been left in that position when your government was thrown out of office in 1990.

#### CHILDREN'S HEALTH SERVICES

**Mr Garfield Dunlop (Simcoe North):** My question is for the Minister of Health and Long-Term Care. Soldiers Memorial Hospital in my riding—it's in Orillia—has a long and proud history of providing excellent health care

for children. For instance, they operate a regional level 2 perinatal program. The hospital recently announced that they have joined an information exchange system with various children's hospitals in Ontario called eCHN, the electronic child health network. Minister, could you tell this House more about the program and how it will help children throughout our province?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I want to thank the member for Simcoe North for the question. Let me please present to this House a bit of information about the electronic child health network. It's a non-profit organization which is dedicated to using computers to share child health care information among parents, children and health care providers. It promotes the sharing of resources and knowledge, to reduce costs and create efficiencies.

There are three components: there's a Web site of health information, an electronic forum for health care professionals and a health information system called HiNet. The announcement that the member recently attended was the final component of the pilot, the launching of the health information network, HiNet.

I can tell you that these benefits include faster access to patient records, more complete information available to health care providers and a reduction in duplication of X-rays and diagnostic tests, all the better for children's health.

**Mr Dunlop:** Thank you very much for your answer. I'm sure members on both sides of this House are extremely happy to hear the ways that our government is helping children through the use of technology.

I would also like to know what level of support the government of Ontario is giving to this very important program.

**Hon Mr Clement:** I thank the honourable member for the second part of his question. Not only as the Minister of Health but as a parent as well, I want to inform this House of our government's full support for this excellent and fantastic program.

We directly funded the start-up of the electronic child health network. Our commitment to this was \$11.5 million. I'm pleased to say that all of this funding has flowed to the participating hospitals.

We support the integrated communications of hospitals across the province. It provides better care to patients who need those services. Thanks to this kind of technological improvement, we can see a reduced need for repeat tests; health care providers make the best treatment decisions based on information available across the network; there is better follow-up care; and emergency room physicians have instant access to a child's health information.

I look forward to other hospitals around the province being linked into HiNet. It is important for the children of Ontario.

#### WALKERTON TRAGEDY

**Ms Marilyn Churley (Toronto-Danforth):** My question is for the Minister of the Environment. Minister, I

think you would agree with me that the Walkerton disaster was probably the worst environmental disaster we've ever seen in Ontario. The people suffered greatly, and some are still suffering and are still sick today.

1450

They were promised a long-term health study to deal with all the unknown effects of the poisoned water they drank, and your Premier agreed to that. But now, because of political interference by the Tory MPP for the area, the Minister of Health has changed direction. Walkerton has lost its voice. Community control has been taken away. The focus of the study has been narrowed from what they were promised. The function of the new Walkerton clinic has been changed to research instead of the treatment they were promised. The funding has been transferred to London.

I'm asking you today, as Minister of the Environment, to show some leadership and overturn the decision made by your Minister of Health and your government and give the people of Walkerton what the Premier promised.

**Hon Elizabeth Witmer (Minister of the Environment):** I'm going to refer that to the Minister of Health, who has the responsibility.

**Hon Tony Clement (Minister of Health and Long-Term Care):** I'd like to share with this House the fact that we have accepted the advice of the Walkerton committee. In fact, the two co-chairs of that committee, of the original committee to which the honourable member refers, are involved in the new study. Premier Harris committed in this House to do a health study in Walkerton, and this is responding to that declaration. Any delay in launching this study would compromise the outcome of the study.

I can tell you that the physicians involved are experts in their field. They were among those who attended to the patients who became ill during the E coli outbreak. I can tell you that all of the individuals involved are highly qualified and will be there both for the long-term research as well as the clinical aspects to this study.

**Ms Churley:** Minister of the Environment, to you: this answer is not acceptable to me and it's not acceptable to the people of Walkerton. I hope you, as the Minister of the Environment, will stand up for the people of Walkerton.

The Premier promised to do a comprehensive health study that involved the citizens of Walkerton in the design and implementation of that study. The reason there have been delays to this point is because the citizens have had to continually argue and fight with the member for Bruce-Grey-Owen Sound, who does not want to put a community member on who was involved throughout, but a person who voted against the proposal for the health study and hadn't even applied to be part of the committee. That is what is going on. Your government caved and changed the plans because of direct crass political interference from the member, who doesn't like some members of the community because they speak out against the government from time to time.



This is unacceptable. Minister of the Environment, I'm asking you what you are going to do to help the people—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon Mr Clement:** Let me again state for the record that we are accepting the advice of the original committee to which she refers. They wanted a study; they wanted clinical assistance. They are getting a long-term study. They are getting in Walkerton, in the area, clinical assistance. We are responding to their concerns. We have the best experts in the field available and part of the study.

Let me take the remaining time that I have to say one thing. There has been no person in Ontario more concerned about the citizens in his area, more concerned about the Walkerton community, than the member for Bruce-Grey-Owen Sound, and we are very proud of our response because we are proud of him.

#### CHILDREN'S HEALTH SERVICES

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of Health. On October 11, a two-year-old Brampton girl, Aislinn Connor, critically ill, was turned away from Sick Kids in Toronto because there were no beds. She then could not be accepted at McMaster medical centre because all the intensive care beds were full, and had to be driven to London, Ontario, before they could finally find a bed for this critically ill two-year-old girl.

McMaster University is one of five children's hospitals in Ontario. However, McMaster University does not have a dedicated intensive care unit for children. We have a crisis here, we have a crisis in London, we have a crisis in Toronto, in dealing with services and particularly in dealing with critically ill children. You've been aware of this for years. You've been made aware of the problems there. Again, can I ask you clearly, will you commit today to ensure there's sufficient funding to open up a dedicated intensive care unit for children at McMaster medical centre in Hamilton?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I thank the honourable member for the question and for his suggestion.

Let me share with him and with this House the fact that since 1998, this government has invested over \$750 million to improve access to our emergency wards throughout Ontario, \$225 million over four years to implement the expert recommendations of the emergency services working group, more flex beds, more interim long-term care beds, expanding home care services, training nurses in emergency and critical care. All of those things, I believe, have made a difference for our emergency departments. We have fast-tracking of the expansion of 56 emergency departments, one of them in Toronto, but in many other communities as well.

That is our commitment to emergency care. The particular issue that the honourable member has mentioned,

I'd certainly like to take it under advisement, but I want to reiterate our commitment to excellent emergency care for the people of Ontario.

**Mr Agostino:** Minister, I'm sure those kind words will mean a great deal to the little girl's mom, who said, "It was a long journey and I kept thinking, 'Will she be OK?' It was late at night, it was pouring rain and we were under a lot of stress. It was a long way to go under those circumstances. It felt like a lot longer than two hours."

Minister, the specific proposal has been made by McMaster medical centre for 12 to 14 dedicated intensive care unit beds. We have a children's hospital there. We do not have beds in the intensive care unit for children in that hospital. It would make a great deal of sense to provide that service so kids don't get driven halfway across Ontario, when they're critically ill, in an ambulance.

Minister, all the rhetoric, all of your stats sound wonderful. It doesn't deal with the problem that this young girl and her family faced on October 11. Kids get put at risk every time this happens.

I'm asking you again, very simply: will you commit today to the 12 to 14 intensive care unit beds that have been requested by McMaster medical centre to deal with sick kids who desperately need help? Sometimes a matter of minutes can make a difference between life and death. Will you stand up and commit to that here today?

**Hon Mr Clement:** Whenever there is a situation where a person's life is needlessly put at risk, I think as individuals we should be concerned about that. So I share the honourable member's concern.

I have been advised that the ministry is following up with the hospital to ensure that all the best procedures either in place or that should be in place were either followed up or are in place. I can assure the honourable member that we are having that discussion with the hospital in mind.

I can tell the honourable member that if the hospital or any other members of the community have some advice to us on how best to deal with these procedures so that these things do not happen, certainly we have an open mind on this. As I say, the resources have been there. Some \$750 million over three years is a lot of money, and it should be spent to ensure that we get the best results; not that we just spend the money and are happy that we spend the money, but we actually get the results that Ontarians deserve. I'd be happy to work with the honourable member in this regard.

#### MUNICIPAL LEGISLATION

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I have a question for the Minister of Municipal Affairs and Housing.

Minister, as you are aware, the Municipal Act is over 150 years old. Considering that we are in the 21st century, this Municipal Act could not be considered as an effective tool for the issues facing municipalities in today's age.

Minister, what have you done to ensure that municipalities will have the tools to enable them to ensure vibrant, healthy communities?

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** Thank you very much, Mr Speaker, and through you to the member from Bramalea-Gore-Malton-Springdale, it's a good question. As you are aware, the Harris government today announced a new Municipal Act. If it's passed by this Legislature, it will be a cornerstone of a better, more constructive relationship between the province and the municipalities.

Over the last century and a half, the Municipal Act has been amended numerous times. It now has, with different compendiums and additions, about 1,100 pages. The new act will be more streamlined and give more flexibility, and it will also allow municipalities to react to the local conditions in their community more quickly, which should help. There are also natural person powers, the ability to form partnerships that will be able to be enacted to provide better service for our residents across Ontario.

**Mr Gill:** Thank you, Minister. You've talked about what the proposed legislation will do, if passed. Would you please inform the House how the business community and small businesses will benefit from this new act?

**Hon Mr Hodgson:** As you know, the act is a delicate balance between competing interests, which, I think if people step back, are really the same interests. They want to have better communities to live in. They want to make sure their businesses can thrive. Municipal politicians are elected, they're accountable and they're responsible for those challenges. So we've tried to bring together groups representing small business, chambers of commerce and boards of trade with municipal associations, municipal mayors, clerks and treasurers and others to see if we can bring in a modern act to meet their needs. We found a consensus and we've tabled an act that will guide us in the next century to allow for more transparency and accountability, which will help our small business people, rules around procurement and procedures that municipalities deliver to give predictability and access for local businesses to compete in providing services and goods.

I think it's a good-news announcement for both municipalities and all the small businesses that reside in their community.

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#### TRANSIT SERVICES

**Mr Mario Sergio (York West):** My question is to the Minister of Transportation. In his absence I'll indulge myself and ask the Deputy Premier. You and your government keep making big announcements, but the money is never forthcoming. Last September 27, the Premier announced a 10-year, \$9-billion plan to ensure a transportation system that would strengthen the economy and protect the environment at the same time. The announce-

ment included a \$3-billion investment targeted to renew and expand transit.

The project I am addressing today is one that meets and exceeds the aims and criteria of your announcement. It supports economic growth, unlocks traffic gridlock and meets environmental objectives. The Spadina-York subway line must be made a top priority of your government. Vaughan council, York region, York University, local organizations, local unions, all are indicating strong support for the Spadina-York line. The extension would create a gateway at the doorstep of the Toronto-York region boundary and be the first interregional 416-905 seamless transit system serving the new Vaughan Corporate Centre.

**The Speaker (Hon Gary Carr):** Question?

**Mr Sergio:** On the principle of your transportation commitment, will you announce today in the House that you will make the Spadina-York line your priority?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** I share the member's concern with the comments that came from the federal government yesterday, from Minister Collenette's office as I understand it, that the federal government may not keep its commitment with respect to sharing in funding transportation in Ontario.

As sincere as the member opposite is in his concerns for transit issues, not only in Toronto but through the greater Toronto area and beyond, in the Ottawa area and other urban areas around Ontario, I'm sure he is disappointed in those comments, particularly given the comments by the federal Minister of Transport just over a month ago, at the 80th anniversary celebration of the TTC, where he said, "In both the speech from the throne and the red book, the government of Canada has committed to working with partners across Canada to help improve public transit infrastructure." Hold his feet to the fire on that, I say to the member opposite. It's too important for Toronto not to have the federal government abrogate on a promise.

**Mr Sergio:** Minister, when are you going to get serious and show leadership on this issue? Make the Spadina-York line your priority. Do it for the benefit of the 50,000 students and staff who attend York University on a daily basis. Do it to spur business growth in the area. Do it to reduce congestion in transportation and for the benefit of the environment. Just do it because you stand by what you said in your September 27 announcement. Don't look elsewhere, pointing fingers for your inaction. Show us today that the Spadina subway line is a priority of this government and that indeed you consider this a priority. Show us some vision and make sure that York-Spadina transportation meets your standards. Announce the approval today.

**Hon Mr Flaherty:** A well-planned transportation strategy is needed to ensure economic growth and prosperity. That's what the announcement by Premier Harris a few weeks ago was all about. It was a courageous announcement of a vision for Ontario in transit and transportation. It addresses gridlock. It's a \$300-



million, on-the-table commitment from the province of Ontario, and we say to our federal partners, "Keep your promises to the people of Ontario." All of those Liberal MPs who were elected, who ran on a policy that they were committed to helping with transit and transportation, your brother and sister Liberals—speak to them, get them to bring their money to the table as our money in Ontario is on the table. That's what will create the right transit, the right transportation networks for all the people of Ontario. You can help. Do your part.

### CONSUMER PROTECTION

**Mr John O'Toole (Durham):** My question is to the Minister of Consumer and Business Services. Earlier today I attended a workshop, a conference, with the Ontario Real Estate Association and I was happy to participate. I was very impressed with the way you were received, respectfully, Minister. This is certainly a good starting point.

Recently the Law Society of Upper Canada has raised a strong concern with the proposed Real Estate and Business Brokers Act. Apparently some lawyers are arguing that they should be free to act as real estate agents, as is done in Edinburgh, but that is explicitly forbidden in the new proposal, at least this is what they're suggesting.

One lawyer has a column in the Toronto Star, which is questionable to start with, suggesting that you want to "eliminate competition by strengthening a crumbling monopoly," criticizing the real estate agents, the very lifeblood of our local economies, by which he means the real estate brokers. How do you answer this concern?

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** I think this is an important question for the some 33,000 real estate agents and brokers across Ontario. Mr Speaker, as you may know, I at one time practised some law prior to being a member of this Legislature. At that time there was never a contemplation by the legal community that they were going to sell real estate, as real estate agents have in this province since around 1922 or something like that.

However, when we've been changing this Real Estate and Business Brokers Act, the law society has come forward and said, "We want to be able to sell real estate like real estate agents do." I say, "Fine, but let's all play by the same rules. You want to sell real estate? You're subject to the act. You're subject to the same rules as real estate brokers and real estate sales people are." What's good for the goose is good for the gander.

**Mr O'Toole:** Thank you, Minister, for that response. I might remind the House that you're not only a lawyer, you're an engineer, and you're also now in another profession, as a politician.

In the same Toronto Star column, which has even gone so far as to accuse you of being a hypocrite—regrettable—he said that despite your call for enhanced consumer protection, you don't care enough to protect billions worth of so-called "owned property" sales under

the new legislation. How do you respond to this spurious claim?

*Interjections.*

**Hon Mr Sterling:** I don't know whether to thank you for that question or not. I have never met this particular gentleman, and I use the term lightly with regard to this claim of hypocrisy, but basically his claim was that when we sell a new home, new home builders are not subject to this act. But I want to point out to him and to the public of Ontario that new home builders are subject to other regulations and other rules, and that these consumers who buy new homes are in fact protected under law, under regulation. In fact our government has a new home warranty plan that even provides further protection.

I believe this particular columnist is taking one side and not looking at the other side. Real estate agents have provided a valuable service here for over 50 years and we continue to support them.

*Applause.*

### FOREST MANAGEMENT

**Mr Gilles Bisson (Timmins-James Bay):** I appreciate the applause as I get up. It's most appreciated. I really do; it warms my heart. In fact it warms my heart so much that I have a question to the Minister of Natural Resources. Minister, you will know, as many other people in this province know, that you're in the process now of trying to get approved, by way of the authority you have as minister, what are called fire emulation guidelines. Simply put, you're trying to say to the public of Ontario, through your ministry, that the logging operations of the province should reflect what's happening when we've got a forest fire. Last time I checked, we're trying to put forest fires out, not trying to start them.

1510

What's interesting is that many people are opposed, and today there was a press conference. Leading people from the scientific community gathered here at Queen's Park to say it was a bad idea. I want to quote one part of what they had to say with MNR. They said, "Yet the MNR admits, 'fire and logging are fundamentally different—fire is essentially a chemical process while logging is a mechanical one. For this and other reasons, there is uncertainty about the ability of this guide to achieve its ... objective.'"

Clearly, the scientists are saying it's a bad idea. Why do you want to have big forest fires replacing the type of logging that we're doing now? It doesn't make any sense.

**Hon John Snobelen (Minister of Natural Resources):** I thank the member opposite for the question, particularly at a time when my colleagues are so willing to applaud an answer.

I can say that obviously the ministry is compelled by the environmental assessment under which forestry is done in the province of Ontario to have cuts that emulate natural disturbances. I think that makes good sense to everyone in this chamber and probably everyone across the province.

What we want to do is make sure that our forests are managed properly, that we have the best harvesting modalities and methodologies in the whole world—and I think we're very proud of those—and also to make sure that we take a good part of our forests and protect them for future generations. That's why, with Lands for Life and permanently protecting 6.2 million more acres in the province for future generations, we've made a giant step forward in that regard.

### VISITORS

**The Speaker (Hon Gary Carr):** Just before we begin petitions, we have with us today in the Speaker's gallery members of the National Committee Thank You Canada from the Netherlands. They are in Toronto to present the Medal of Remembrance to Canadian veterans who took part in the liberation of Holland during World War II. Please join me in welcoming our honoured special guests.

### BUSINESS OF THE HOUSE

**The Speaker (Hon Gary Carr):** Government House leader.

**Hon Janet Ecker (Minister of Education, Government House Leader):** Pursuant to standing order 55, I have a statement of the business of the House for next week.

Monday afternoon we will debate on government notice of motion number 61. Monday evening we will continue to debate Bill 110.

Tuesday afternoon we will begin third reading debate on Bill 65. Tuesday evening we will begin third reading debate on Bill 56.

Wednesday afternoon will be NDP opposition day. Wednesday evening we will continue debate on Bill 110.

Thursday morning during private member's business we will discuss ballot item 27, standing in the name of Mr McGuinty, and ballot item 28, standing in the name of Mr Guzzo. On Thursday afternoon we will continue debate on Bill 60.

### PETITIONS

#### HOME CARE

**Mr James J. Bradley (St Catharines):** "To the Legislative Assembly of Ontario:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond their control; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term

Care is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of community care access centres in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify its agencies about the amount of funding they will be given by the government in a fiscal year at least three months in advance of that commitment."

I affix my signature. I am in complete agreement.

### NATIONAL CHILD BENEFIT SUPPLEMENT

**Mr Tony Martin (Sault Ste Marie):** I have a petition here that has well over 7,000 names from across the province, almost every community. It's asking the government to stop the clawback of the national child tax benefit supplement. It goes like this:

"Whereas one in five children in Ontario live in poverty; and

"Whereas, as part of the national child tax benefit program, the federal government gives a supplement to low-income families across the country to begin to address child poverty; and

"Whereas that money, up to approximately \$100 a month per child, is meant to give our poorest and most vulnerable children a better chance in life; and

"Whereas in Ontario the Conservative government deducts the child benefit supplement, dollar for dollar, from those living on social assistance; and

"Whereas this is leaving our province's neediest children without the extra money they desperately need to begin to climb out of poverty; and

"Whereas all children are entitled to a fair chance at life;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to demand that the provincial government of Ontario stop the clawback of the national child tax benefit supplement and ensure this federal money reaches all low-income families in Ontario."

I have signed my signature to this petition.



**The Speaker (Hon Gary Carr):** Petitions? The member for Etobicoke North.

**Mr John Hastings (Etobicoke North):** I will cede the floor for a moment to my colleague.

#### CRUELTY TO ANIMALS

**Ms Marilyn Mushinski (Scarborough Centre):** Thank you very much, Mr Hastings, for that.

I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I'd like to pass this on to my page and constituent, Owen Moffitt. I know this is his last day. I wish him well, and I congratulate all of the pages in the House today. They've done an exemplary job for the past few weeks.

#### NURSES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** "To the Legislative Assembly of Ontario:

"Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

"Whereas there is a chronic nursing shortage in Ontario; and

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

"Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; ensure front-line nurses play a key role in health reform decisions."

This is signed by a number of people from the Guelph and greater Toronto areas. I affix my signature in full agreement once again with their concerns.

#### POST-SECONDARY EDUCATION

**Mr John Hastings (Etobicoke North):** I have a petition to the Legislative Assembly of Ontario which reads as follows. It's a petition for the Saving for our Children's Future Act, 2001.

"Whereas post-secondary education is very important in the development of young adults, to the betterment of society and the economic future of our province; and

"Whereas the continuing challenge and cost of education facing families in Ontario in the 21st century is ever increasing; and

"Whereas the cost of post-secondary education in Ontario requires a combination of government and individual financial support; and

"Whereas the tax credit proposed in Bill 4, Saving for our Children's Future, 2001, will effectively and beneficially encourage families to save for their children's education; and

"Whereas the large majority of children and families with a registered education savings plan do not apply for OSAP"—the Ontario student awards program—"thereby freeing millions of dollars for other OSAP students;

"Therefore, we, the undersigned, hereby respectfully petition the Legislature of Ontario to act quickly to pass Bill 4, Saving for our Children's Future, 2001, and thereby extend the opportunity of post-secondary education to thousands of children" throughout Ontario.

I proudly affix my signature to this excellent piece of legislation.

1520

#### CRUELTY TO ANIMALS

**Mr Mike Colle (Eglinton-Lawrence):** I've got petitions from thousands of people all across Ontario, asking the provincial government to do something about puppy mills. It reads:

"To the provincial Legislature of Ontario:

"Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

"Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

"Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

"Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities, and that strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the SPCA to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public."

I strongly support provincial government action in this area, and hopefully it will pass legislation. I affix my name to it.

### PERSONAL NEEDS ALLOWANCE

**Mr David Christopherson (Hamilton West):** Further petitions from the Hamilton second-level lodging home tenants' committee:

"To the Legislative Assembly of Ontario:

"Whereas individuals who are tenants (residents) in facilities such as care homes, nursing homes or domiciliary hostels under certain acts are provided with a personal needs allowance to meet incidental costs other than those provided by the facility; and

"Whereas the personal needs allowance has been fixed by the Ontario government at a rate of \$112 for nearly a decade and has not kept pace with cost-of-living increases, and furthermore is inadequate to meet incidental costs such as clothing, hygiene products and other personal essentials;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately review and amend provincial legislation to increase the personal needs allowance from \$112 a month to \$160 a month for individuals living in care homes, nursing homes or other domiciliary hostels."

On behalf of my NDP colleagues and myself, I add my name to this petition.

### CRUELTY TO ANIMALS

**Mr Garfield Dunlop (Simcoe North):** "Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted upon puppies under their so-called care;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I want to give this to Meg Allenby, who will present it to the House. This is Meg's last day and I've thanked this fine young lady a number of times.

**Mr Dominic Agostino (Hamilton East):** It's my pleasure to enter this petition to the House to shut down puppy mills and to stop cruel animal breeding activities by passing MPP Mike Colle's private member's bill.

"To the provincial Legislature of Ontario:

"Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

"Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

"Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

"Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities, and that strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the SPCA to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public."

I want to congratulate my colleague Mike Colle for this bill, and I affix my signature.

**Mr Mike Colle (Eglinton-Lawrence):** I want to congratulate the pages for doing such a great job, before I read my petition. They've been excellent. My petition is to the provincial Legislature of the great province of Ontario:

"Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

"Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

"Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

"Whereas there are no provincial penalties whatsoever to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities, and, that strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the SPCA to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public."

I affix my name to this petition. I support the SPCA and all people fighting for animal rights.

**Mr Gerard Kennedy (Parkdale-High Park):** I am pleased to read out a petition for citizens who petition the Legislature of Ontario to shut down puppy mills and to stop cruel animal breeding activities by passing MPP Mike Colle's private member's bill.

"To the provincial Legislature of Ontario:

"Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

"Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

"Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

"Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;



"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities, and, that strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the SPCA to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public."

I very gladly affix my signature to this petition.

### HEALTH CARE FUNDING

**Mr James J. Bradley (St Catharines):** I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas many residents of St Catharines and other communities in Ontario are unable to find a family doctor as a result of the growing doctor shortage we have experienced during the tenure of the Conservative government in Ontario;

"Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to the United States for medical attention;

"Whereas many prescription drugs which would help patients with a variety of medical conditions such as macular degeneration, multiple sclerosis, arthritis, diabetes and heart failure are not covered by OHIP;

"Whereas many assistive devices that could aid patients in Ontario are not eligible for funding from the Ministry of Health of Ontario;

"Whereas community care access centres have inadequate funding to carry out their responsibilities for long-term and home care;

"Whereas the Harris government has now spent over \$245 million on blatantly partisan government advertising in the form of glossy brochures and television, print and radio ads;

"We, the undersigned, call upon the Conservative government of Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising and to invest this money into health care in the province of Ontario."

I affix my signature; I'm in agreement.

### ORDERS OF THE DAY

#### QUALITY IN THE CLASSROOM ACT, 2001

#### LOI DE 2001 SUR LA QUALITÉ DANS LES SALLES DE CLASSE

Mrs Ecker moved second reading of the following bill:  
Bill 110, An Act to promote quality in the classroom /  
Projet de loi 110, Loi visant à promouvoir la qualité dans les salles de classe.

### The Acting Speaker (Mr Bert Johnson): Debate? 1530

**Hon Janet Ecker (Minister of Education, Government House Leader):** I'll be sharing my time with the member from Simcoe North, the member from Kitchener Centre and the member from Parry Sound-Muskoka. I am pleased today to speak on the second reading of Bill 110, the Quality in the Classroom Act. I will be sharing my time with my colleagues whose advice has been helpful in putting this legislation together.

This legislation is the next step in our government's comprehensive plan to improve student learning. Our goal is to ensure student success by building an education system that supports achievement and excellence through setting higher standards and through greater accountability.

Our plan for quality education includes a more rigorous curriculum for our students, from kindergarten through the end of our new high school program; a new province-wide code of conduct to help ensure our classrooms are safe and respectful learning environments; standardized testing to ensure that our students are learning what they need to succeed and that our parents know how well their children are doing; a new early reading strategy which requires schools to set goals to improve the reading skills of students from junior kindergarten to grade 3; improvement teams to help improve students' reading skills in 16 schools selected to receive extra help.

I think it's important to note that we have continued to increase overall resources for education significantly. For example, with the additional \$360 million that we are providing this current school year, education spending has increased from \$12.9 billion, which is where it was in 1995, to \$13.8 billion today, an increase that is greater than the growth of enrolment.

These and other initiatives in our plan for quality education demonstrate our continued commitment to improved student learning.

One of the most important foundations of quality education is excellence in teaching. We know that excellent teachers are vital in helping students succeed and in helping our students to meet higher standards. Excellent teachers can motivate, inspire and challenge their students to achieve in ways that those students never thought possible. We all know that Ontario has many excellent teachers. One of the benefits of this particular job as education minister is the opportunity I have to continue to meet the dedicated and committed teachers who make such a positive difference in our schools on a daily basis.

We also know that in today's rapidly changing world it is essential for teachers to be able to continually enhance their skills, to adapt to new technologies and to keep their knowledge current. It is helping to meet that challenge in our schools that has led our government to announce the Ontario teacher testing program, a comprehensive plan to ensure that all our teachers are able to meet those challenges. It was a program, as I know

members have heard me mention before, that we announced back in 1999 during the election campaign that, if elected, having such a program was very much part of our plan to improve student learning.

The key elements of this program are a language proficiency test for new applicants to the teaching profession who took their training outside Ontario in a language other than English or French; professional learning requirements leading to recertification every five years; a qualifying test or an entrance-to-the-profession test for all new teachers in Ontario's classrooms; an internship program for new teachers; a consistent province-wide performance appraisal system for teachers; and an initiative to recognize teaching excellence.

In developing our program, we took a number of important factors into account.

First, we recognized that teachers are not alone in facing the constant need to remain current and up to date. Meeting client, consumer and public expectations for excellence and accountability are daily realities for many other professions in this province. For example, ongoing learning is compulsory for other key Ontario professional groups ranging from architects to dental surgeons.

Second, in looking at professional development practices elsewhere, we found that in many other countries and provinces, teachers face requirements to update their knowledge and skills through various mandatory professional development activities and assessments or other tests.

Finally, in looking at the existing professional development system here in Ontario, we found that in some cases teacher training, teacher upgrading and assessment were not as consistent, as fair, as effective and as rigorous as they should be on behalf of our students.

In particular, the Council of Directors of Education pointed out that the standards for evaluating in-class performance were inconsistent across the province. It is because of their recommendations and the input of other education partners, parents and students that all of these factors led us to create the comprehensive teacher testing program, to ensure that professional development and assessment would be both comprehensive and fair for all Ontario's teachers.

We've been moving to implement this program, and we recognize that it is comprehensive, that it is asking for a lot from our schools and our teaching profession. We have been implementing this very much in a step-by-step fashion, after extensive consultation with our education partners.

For example, the language proficiency test requirement has been in place since last year, last fall. This year, in June, we passed Bill 80, the Stability and Excellence in Education Act, which establishes the foundation for the professional learning requirements for all teachers. As I mentioned, this was a key promise made during the last election. This particular piece of our program was also a recommendation from the Royal Commission on Learning in 1995, an important commission that did a lot of work in making recommendations on how to improve

the education system. Its recommendations were very strongly supported by all three parties. We have drawn on that commission a great deal in our teacher testing program.

The professional learning program that is set out in the Stability and Excellence in Education Act is both detailed and comprehensive. It requires teachers to take part in a series of professional development activities over five-year cycles throughout their careers. During each cycle, each five years, teachers must successfully complete seven core courses and seven elective courses from an approved list that the College of Teachers is responsible for. Approved courses include many of the kinds of professional development activities and programs that many teachers already take part in regularly in order to teach new subjects or improve their skills.

Those courses are focused on a few key areas, core competencies, standards of the profession, things like curriculum knowledge; student assessment; special education, the needs of special-education students; classroom teaching strategies; classroom management and leadership; the use of technology; communicating with parents and students. All courses, the courses that are related to these criteria, will include assessments at their conclusion quite simply to ensure that they have been completed successfully by those who are taking them.

Finally, Bill 80 requires that the professional learning program actually begin this fall, and 40,000 randomly selected practising teachers, as well as 6,500 new teachers, began their five-year program this year. All other members of the college, all certified teachers, including principals and vice-principals, will begin their five-year cycle next year. So we've been phasing this in.

A couple of quick points, because there have been misunderstandings about this approach to our program, and I'd like to take a moment to clear up a few of those: first of all, as to the confusion about teacher testing, it is neither a single test nor a simple test of teacher knowledge, because as I think teachers and many of our education partners recognize, simply having knowledge doesn't mean a teacher is able to impart that knowledge, to teach that in the classroom.

The approach we have taken is to have a comprehensive program of ongoing professional learning and assessment that covers both knowledge and skills, that covers both knowledge and performance in the classroom.

**1540**

Secondly, what we are proposing in our comprehensive program is not going to detract from the current activities of school boards around performance appraisals, their responsibilities as employers. Instead, what we are proposing putting in place will actually strengthen and improve these activities and make them fairer to all teachers by establishing clear and consistent province-wide criteria.

Thirdly, the other criticism I hear that concerns me greatly, and I know it causes great anxiety to teachers, is that somehow or other this is an attempt to single out



teachers for some reason. One particular federation called it "punitive discipline." These claims simply do not survive simple scrutiny because many other professional groups, from doctors to architects to nurses to dental hygienists to occupational therapists, to name just a few, face similar kinds of certification and professional development requirements. The challenge is the same in those professions as it is in teaching: to ensure that all the members of that particular profession can stay as up to date as they possibly can in their knowledge and their skills.

The legislation we're talking about today, Bill 110, now moves us forward with the next steps in our plan to ensure that all teachers have the ability to do this, to meet that challenge. The Quality in the Classroom Act proposes additional initiatives that support quality teaching, that will lead to improved student learning in two key areas.

As I mentioned previously, the first one is the qualifying test or the entrance to the profession test. This legislation would establish the legislative framework for that for all new entrants to the profession, to ensure that as all teachers begin their careers in this province, they are able to have the knowledge and the skills we would expect Ontario teachers to have in the classroom.

Secondly, the bill establishes comprehensive performance appraisal standards consisting of regular, fair and consistent evaluations of a teacher's skills in the classroom. The performance appraisal requirements, I should note, would also apply, should the legislation be passed, to principals, vice-principals and supervisory officers, which I think is an important accountability mechanism to have.

I would like to briefly provide a few more details on this. I know my colleagues will as well. The requirement for new teachers to pass the qualifying test—this is teachers out of teachers' college and teachers new to Ontario—in order to receive a certificate of qualification to teach: as I mentioned, the test would assess the readiness of candidates to enter the classroom to ensure that all teachers have the necessary level of knowledge and skills they need.

The test is going to be administered to all new graduates from Ontario's faculties of education and to teachers new to Ontario, similar to the entrance to the profession tests used by other bodies.

The government also recognizes that in developing this kind of test, we have to ensure that it is relevant, that it has credibility for what is expected of teachers in a classroom, for what teachers should know in the Ontario educational environment. We have a variety of education stakeholders. We've put together the Ontario Teacher Qualifying Test Advisory Committee. It includes a range of Ontario educators. The purpose of this group is to advise us on the development and validity of the test, and on the kind of written materials that should assist and should be part of such a test of knowledge and abilities.

The test development process involves several trials with faculty of education students and some new

teachers, as well as continued review and validation of the test.

As I indicated earlier, Bill 80, passed in June, established the framework for a comprehensive system of professional learning, but what we now need to make sure is that there is a matching requirement about performance appraisal in the classroom where improved student learning takes place. While we know many school boards currently conduct teacher performance appraisal systems, we also know, as I mentioned, that it has not been as consistent, as effective, as fair as it needs to be.

The Council of Directors of Education did a report, a review, of what was currently happening out there. They surveyed the practices in different boards and the different performance appraisal models in use across the province. What they found was that there were many exemplary practices, guidelines and policies, and in this legislation we've drawn from those. We've used those best practices to guide how we've developed this legislation for performance appraisal for teachers in the classroom. One of the good things they found was that some boards are moving "from pure assessment and recording to progressive assistance and skill building," which is what it's all about. Good performance appraisal is supportive of teachers, is supportive of excellent teaching, is certainly supportive of improved student learning if it is done well.

But CODE, the directors of education, also found some serious gaps and oversights in school boards' current teacher appraisal policies. For example, while some boards link together appraisal to meeting board goals and promotion, "definitive statements for conducting performance appraisals are scarce and very general when actually found." While some boards have established guidelines for evaluators to follow, "none indicated any special training or workshops to assist the evaluators in their responsibility." "Virtually all policies lack specific remediation for weak teachers and particularly those placed on review," teachers who have not met the appropriate standard.

Finally, another observation from this report: "It should be noted that nowhere in the 56 policies" that they reviewed of all the boards "is there any mention of peer, student or parental input into the appraisal process," something I think is a serious lack that this legislation proposes to fix.

We believe those findings confirm the need for a comprehensive approach to teacher evaluation to improve and enhance teacher performance. We need to have province-wide performance review standards. That is what is proposed in this legislation, standards that are consistent, fair and effective, standards that improve student learning by improving teaching in the classroom.

I mentioned that none of the other policies in existence make reference to parent and pupil involvement in the teacher appraisal system. This is something CODE noted. Yet parents and student groups have told the government, have told me, that they would like to see their views

included when teacher performance is being evaluated. So this legislation proposes to provide for the input of parents and the input of senior students into the evaluation of a teacher.

The input would be obtained through a standard survey instrument, if you will. Actually, this is not an uncommon practice for many performance evaluation systems that are in place. I remember myself that at a previous position I had, a performance appraisal on a regular basis required extensive evaluation from some of your subordinates and some of your peers, some of your colleagues, and that all went to your supervisor and was part of the evaluation they did. While it certainly can promote great anxiety sometimes on the part of the employee, I also know that with that kind of performance appraisal evaluation that was done in that organization on all the employees, we were all much better employees for that particular performance appraisal system. So this is very much modelled as well on best practices throughout many other professional groups.

One of the key things here is to make sure we can capture parental input, the input of senior students. I think it is also important to note that, yes, that input is important, that input needs to be part of the performance appraisal evaluation of teachers, but to be fair and to be balanced, that input on its own cannot lead to negative consequences for a particular teacher. The responsibility for assessment, the responsibility for making some of these judgment calls resides with the principal and ultimately with the school board as the employer, if there is a particular individual who is not able to meet the standards that are necessary for our students in the classroom.

I think we would all agree that the teaching profession is challenging. Teachers play a critical role in influencing young minds, in helping our students reach their full potential and in shaping lives for the better. It's therefore essential that the evaluation of a teacher's training and learning be a continuous process that is as consistent, effective and rigorous as possible. That is the purpose of our teacher testing program: to ensure that all teachers have the up-to-date skills, the knowledge, the training they require to provide our students with the best possible education.

This legislation, the proposed Quality in the Classroom Act, is another step in our path toward an education system that is able to do that. We have listened to what our partners have advised. We have looked at what best practices are followed in other professions and the teaching profession in many other jurisdictions. We've also looked at what best research shows. All of this has gone into the input of the performance appraisal system that assesses, that is supportive, that will lead to improved student learning, that will make sure that our parents also are involved and are key members of the team.

I would certainly encourage all members of this House to seriously consider supporting this bill, because I think it is another important step in improving student learning in our education system.

1550

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to speak today on the second reading of Bill 110, the Quality in the Classroom Act, 2001. I'd first of all like to congratulate the minister for bringing forth this legislation and all the staff people at the Ministry of Education and the stakeholders who worked on it. But as well, I'd like to congratulate the minister and wish her a very happy birthday today.

The purpose of our education reform is to set higher standards for student achievement in Ontario and to provide the tools and resources for student success.

Excellence in education starts in the classroom, with the best possible teachers. It is essential that they instill a love of lifelong learning in our students as well as provide them with the tools to meet the challenges of changing jobs and new careers.

Ontario has many excellent teachers, and many of them recognize the need to keep their knowledge and skills current. They are actively involved in professional development activities to build their qualifications and develop new knowledge and skills.

That is why our government has introduced our comprehensive teacher testing program: to ensure that all teachers, both new and experienced, have the capabilities to help our students succeed and achieve higher standards.

We continue to build on this commitment with Bill 110, and it has two purposes. First, subject to the approval of Bill 110, all new graduates of Ontario faculties of education and all teachers new to Ontario would be required to take the Ontario teacher qualifying test. Passage of the test would be a requirement for becoming a member of the Ontario College of Teachers and receiving a certificate of qualification from the college.

The qualifying test would assess the readiness of teachers to start their professional life and ensure they have the minimum level of knowledge and skills to begin teaching in our schools. Its purpose and form would be similar to exams administered by other professional regulatory bodies, such as the National Dental Hygiene Certification Board and other groups such as nurses and occupational therapists.

The ministry is taking a number of steps to ensure that the Ontario teacher qualifying test will be unique to Ontario as well as being fair, valid and reliable. Development of the test is being supported by consultations with a broad range of educational stakeholders. We consulted with parents, students, principals and vice-principals, teachers, trustees, deans of faculties of education and the Ontario College of Teachers.

The ministry has established the Ontario teacher qualifying test advisory committee to advise on test program issues. It will provide the ministry with advice on test development and validation as well as on the written materials to assist those teachers taking the test. For example, there would be a brochure describing the test program that would also include an application package with registration information, sample test questions and preparation test items.



It is important to note that Ontario is not the only jurisdiction to be moving in the direction of spelling out entrance-to-the-profession tests. In fact, the ministry is drawing from the best experience of what other professions and jurisdictions are doing in this area. For example, the United Kingdom recently introduced a test for new applicants to the teaching profession. In addition, France, Belgium and Switzerland use civil service exams to evaluate those who wish to teach, and most American states require their teacher candidates to pass one or more certification exams to become licensed to teach.

The proposed qualifying test in Bill 110 would have questions based on areas of knowledge and skills derived from the standards of practice for the teaching profession established by the Ontario College of Teachers. The college is mandated by statute to establish standards of practice for all teachers in Ontario.

Once aspiring teachers have completed the qualifying test, the results would be available in four to six weeks. All test-takers would be advised of their personal scores.

The test provider would advise the Ontario College of Teachers of pass/fail results for each participant. Candidate teachers who meet all the requirements for certification, including passing the qualifying test, would be placed on the college's register, which lists its members, their qualifications and their status with the college.

Finally, for 2002 and 2003, the ministry will cover all costs associated with taking the test.

In addition, Bill 110 provides for an appeal process to be available to all teachers who take the qualifying test. All appeals on test scores would be reviewed individually on a case-by-case basis.

The qualifying test proposed by Bill 110 is an additional step taken by this government to improve the quality of education in Ontario. In a rapidly changing and increasingly competitive world, the need for quality assurance among all professions, and especially among teachers, is imperative.

The second purpose of Bill 110 is to create a comprehensive performance appraisal system to evaluate teachers on their performance in the classroom. The new provincial standards outlined in the legislation would ensure that principals and school boards regularly and consistently evaluate teachers' knowledge and skills.

Bill 80, which the Legislature passed last June, established a comprehensive framework for professional learning by Ontario teachers. Bill 80 requires all teachers to participate in a series of professional development activities and courses in a five-year cycle throughout their careers. Bill 110 would now establish the regulatory authority necessary for the establishment of teacher learning plans. These plans would be developed by teachers in consultation with their principals. They would map out an action plan for professional growth. Mandatory professional learning ensures that teachers' knowledge and skills are up to date.

Performance appraisals provide the necessary quality assurance that professional learning has been effective, that the teachers in our classrooms are the best that they can be.

Equally important is the way that Bill 110 would bring consistency to teacher appraisals in reference to their frequency, timing, standards and methods. While many boards have been developing excellent performance review practices, few school boards have policies and programs in place to help weak teachers meet the standards they need to achieve. In addition, few boards currently have evaluation policies that recognize teacher excellence or identify possible mentors or exemplary teachers.

These findings reconfirm the value of Bill 110 and the need to provide consistent province-wide standards for teacher evaluation. The creation of such standards would clearly be a major factor in ensuring that our teacher appraisal system is fair to all members of the profession, no matter where they teach in our province. These are the reasons that the bill would provide for every experienced teacher to have an evaluation every three years, with at least two evaluations of their classroom performance during that particular year.

Our government strongly believes in the involvement of all parents in their children's education. Another important milestone in Bill 110 is that parent and student input will be an integral part of a teacher's performance appraisal. Bill 110 would also provide the regulatory authority for parent and pupil input. However, parental and pupil comments would not be the sole factor in an unsatisfactory rating of a teacher.

1600

The important aspect of the teacher appraisal system is to provide support and facilitate teacher improvement. The point of Bill 110 is to ensure teaching excellence. Bill 110 provides a very detailed and fair approach to teachers receiving a less-than-satisfactory rating, with a real emphasis on opportunities to help strengthen a teacher's classroom skills. I believe the performance appraisal system in Bill 110 is consistent and fair to teachers.

In closing my remarks, I would like to summarize the key features of the performance appraisal system that would be established by the legislation.

Bill 110 provides for: regular evaluations of all teachers; a consistent standard for teacher appraisals, including an objective rating system that will be used throughout our province; parental and student input into the appraisal process; and support for teachers who need to improve their performance.

Bill 110 is win-win legislation. With the passage of the Quality in the Classroom Act, 2001, parents will know their children are being taught by teachers who can call upon the best classroom skills and knowledge. Taxpayers will know they are receiving value for their education dollars, and all Ontarians will know we are moving closer to an education system that is firmly focused on quality, accountability and improved student achievement. Thank you for the opportunity to speak here this afternoon.

**Mr Wayne Wettlaufer (Kitchener Centre):** It's pleasing to me to have the opportunity to speak today on

Bill 110, the Quality in the Classroom Act, 2001. I don't think we can overemphasize the importance of providing Ontario's students with an effective education; I don't think it has ever been greater than it is today. The baby boom generation that has dominated our workforce for years is aging. The Toronto Dominion Bank forecast that fully one third of Canada's workforce will be in a position to retire before the end of this decade. By 2010, almost 40% of machine operators, bookkeepers and registered nurses are forecast to be at retirement age. All industries are expecting higher than average retirements over the next 10 years.

While all this is happening, technology and the new economy are rapidly changing where we work, how we work and the skills we need to bring to the workforce. It is now estimated that as early as 15 years from now, half of our jobs will demand skills to handle technology that has not yet been invented. Fifteen years—I'm going to stress that—from now half our jobs will demand skills to handle technology that has not yet been invented.

In order for Ontario to remain the best province in which to live, work, invest and raise a family, we clearly need to meet some important challenges. The foundation for meeting those challenges is an education system that provides Ontario's young people with the start they need for productive and successful lives. Ontario's education system must equip our students with the skills they will need to prosper in a fast-paced and competitive world.

Since 1995, our government has been working to put in place the key elements of the education system that we will need to meet those challenges. For example, we committed to introduce a demanding new curriculum that focused on core subjects like math and science and provided our students with better preparation for post-secondary education or workplace destinations.

I don't think it's any surprise to anyone when I say that in the 1950s and the early 1960s we had the best education system in perhaps the whole world. We were the envy of many jurisdictions. But this did not continue. We lost our pre-eminent place by the early 1990s. Jim Downey, the then president of the University of Waterloo, told me in 1995 or 1996 that academics couldn't have been more pleased than they were with the changes that we were proposing for the education system.

We are now close to completing the most comprehensive modernization and overhaul of Ontario's kindergarten to grade 12 curriculum that has ever taken place. You notice I said "kindergarten to grade 12." Grade 13 is gone. We were the only jurisdiction in North America that still had a grade 13 when our government came to power.

This fall, implementation of the new high school curriculum reached grade 11. It contains a number of important innovations to prepare students for the more competitive workplace and for lifelong learning. Career education and planning are now requirements for all high school students. High schools are now expected to provide programs to help students make the transition from school to work through co-operative education

programs, work experience, job shadowing and youth apprenticeship. Destination-based courses are now a key part of the high school program. They help students develop the knowledge and skills they will need to make successful transitions to work, apprenticeship, college or university.

For students to be exposed to all these opportunities places significant expectations on their teachers. Research clearly demonstrates the difference that a good teacher can make in the lives of children. Excellent teachers foster a passion for learning that students will carry with them throughout their life.

Both individually and as a profession, most teachers constantly enhance their skills, adapting to new technologies and keeping their knowledge up to date. For the rest, I believe they must do so.

This government is not alone in recognizing the importance of the professional development of teachers and its importance to excellence in education. In 1995, the Ontario government received the report of the Royal Commission on Learning, which was commissioned by the NDP government. Among its many recommendations was the following:

"The professionalization and continuing development of teachers [is] the single most important key to any possible improvement in the quality of schooling.

"We are recommending that participation in professional development be mandatory for all educators, and that continuing certification be contingent on such participation."

That, as I said, was recommended in the report of the Royal Commission on Learning, commissioned by the previous government.

Our government responded positively to this recommendation in 1999 through its Blueprint document. We promised to bring in comprehensive teacher testing to assure Ontario parents, students and taxpayers that the knowledge and skills of teachers are always current and up to date.

We took that step because in today's demanding world, the need for quality assurance has never been greater. Since June of 2000, the minister and the ministry have been working to put in place the Ontario teacher testing program. While some people were concerned that this program would be simplistic and unsophisticated, I have confidence that the teacher testing program is comprehensive and balanced. The various elements of the program do fit together and support each other, and they build on the efforts already being made by many teachers to stay up to date and learn new skills.

The key elements of teacher testing include: a language proficiency test, since last fall, for teachers coming to Ontario who received their training in a language other than English or French; a qualifying test for all new teachers in Ontario; an induction program to support new teachers; and a mandatory professional development requirement. I know that some teachers have said, "Well, we were already doing some of that," and they were—some—but it was under the auspices of



their union as opposed to something a little bit more standard through the Ontario College of Teachers.

A comprehensive performance appraisal system is also part of the teacher testing program, and a teacher excellence recognition program.

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Last fall we put in place the language proficiency test, and this past June, through Bill 80, we established the foundation for a comprehensive professional learning program. Bill 80 requires all certified teachers to complete five-year cycles of professional development, to stay up to date and to maintain their certification.

During each five-year cycle, all teachers are now required to complete seven core courses and seven elective courses from an approved course list. Approved courses will, of course, include many of the professional development activities and programs that many teachers already participate in regularly to improve their skills or to teach new subjects. Courses will focus on curriculum knowledge, student assessment, special education, teaching strategies, classroom management and leadership, the use of technology, and communicating with parents and students. The amount of time required to complete each course will vary, depending on the learning requirement of each topic. They will range from one-day workshops to longer courses designed to upgrade qualifications. All courses will include assessments or other tests to ensure that they have been successfully completed.

Through Bill 110, the Quality in the Classroom Act, 2001, the government is now moving forward with the next essential steps to ensure that Ontario's students are always taught by the best teachers in the country.

Bill 110 would create a qualifying test for new teachers to ensure that they are ready to enter the classroom. It would also establish province-wide standards for teacher performance review.

In the time I have today, I would like to address the details of the new requirement for a qualifying test.

Subject to approval of Bill 110, all new graduates of Ontario faculties of education and all teachers new to Ontario would be required to take the Ontario teacher qualifying test. Passage of the test would be a requirement for becoming a member of the Ontario College of Teachers and receiving the certificate of qualification from the college. The qualifying test that would be established by the Quality in the Classroom Act, 2001, is an entrance-to-the-profession test. It would assess the readiness of teachers to start their professional life and ensure that they have the minimum level of knowledge and skills to begin teaching in our schools. Its purpose and form is not unlike exams administered by other professional regulatory bodies, such as the National Dental Hygiene Certification Board, and for such other groups such as nurses, occupational therapists and lawyers.

The ministry is taking a number of steps to ensure that the Ontario teacher qualifying test will be unique to Ontario, as well as being fair, valid and reliable. Development of the test is being supported by consultations

with a broad range of educational stakeholders, including parents, students, principals, vice-principals, teachers, trustees, deans of faculties of education and the Ontario College of Teachers. Ontario educators are directly involved in the writing team that will develop the test items for field trials and for the first administration of the test that will take place next spring. The writing team is made up of teachers, principals and faculty members whose members represent elementary and secondary schools, Roman Catholic, English- and French-language schools.

In addition, the ministry has established the Ontario Teacher Qualifying Test Advisory Committee to advise on test program issues. It will provide the ministry with advice on test development and validation, as well as on the written materials to assist those teachers taking the test. For example, there will be a brochure describing the test program that will also include an application package with registration information, sample test questions and preparation test items.

It is important to note that Ontario is not the only jurisdiction to be moving in the direction of spelling out entrance-to-the-profession tests. In fact, the ministry is drawing from the best experience of what other professions and jurisdictions are doing in this area. For example, the United Kingdom recently introduced a test for new applicants to the teaching profession. In addition, France, Belgium and Switzerland use civil service exams to evaluate those who wish to teach. Most American states require their teacher candidates to pass one or more certification exams to become licensed to teach. To that, I want to add that in Germany it takes eight years after graduation from high school to become a teacher. One year of their training is devoted entirely to pedagogy.

I would like to provide all members with some of the details of how the qualifying test would work. Test questions would be based on areas of knowledge and skills derived from the standards of practice for the teaching profession established by the Ontario College of Teachers. The college is mandated by statute to establish standards of practice for all teachers in Ontario. The first section would be comprised of classroom scenarios that a teacher might face. Questions based on these scenarios would explore and assess both professional knowledge and teaching practice in relation to the expectations of beginning teachers.

The second section would contain multiple choice questions. For example, it could be used to assess teachers' knowledge of legislation related to teaching in Ontario, the Ontario curriculum and uses of technology in the classroom.

Once aspiring teachers have completed the qualifying test, the results would be available in four to six weeks. All test takers would be advised of their personal scores. The test provider would advise the Ontario College of Teachers of pass or fail results for each participant. Candidate teachers who meet all the requirements for certification, including passing the qualifying test, will be placed on the college's register, which lists its members, their qualifications and their status with the college.

Finally, for 2002-03, the ministry will cover all costs associated with taking the test. In addition, Bill 110 provides for an appeal process to be available to all teachers who take the qualifying test. All appeals on test scores would be reviewed individually on a case-by-case basis. The qualifying test proposed by Bill 110 is an additional step being taken by this government to improve the quality of education in Ontario.

In a rapidly changing and increasingly competitive world, the need for quality assurance among all professionals, including teachers, and especially teachers, perhaps, is imperative. The Ontario teacher testing program will strengthen teacher education and training through initiatives that support both new and established teachers. The qualifying test and teacher appraisal system that would be established by this legislation will help ensure Ontario's teachers have the most up-to-date knowledge, skills and training. They are additional steps that will make sure Ontario's teachers will always be the best.

I ask members to join me in supporting Bill 110.

**Mr Norm Miller (Parry Sound-Muskoka):** It's my pleasure today to join in the debate on the Quality in the Classroom Act, 2001, Bill 110. I'd like to start by wishing the Minister of Education a happy birthday today.

This bill is very important to me. I have four children who are in the education system, three currently in the public education system in Ontario. Our oldest daughter, Abigale, is in her first year of post-secondary education. I have my daughter Renée in grade 11 at Bracebridge and Muskoka Lakes Secondary School, having a wonderful year, involved with all the student activities. Every morning we have to drive her to school early because she's very much involved with some other project with the student council. Our son Stuart is in grade 9 at Bracebridge and Muskoka Lakes Secondary School. He is enjoying the volleyball team and getting right involved as the new kid on the block in high school. Our son Winston, who's 12, is in grade 7 at Monck public school, a very fine school that all of our kids went to. He's in French immersion there, doing wonderfully and really enjoying his time. We're very lucky to have had excellent teachers. Our kids have been extremely fortunate. Hopefully, this bill will go a long way toward creating the sort of excellence that our kids have experienced, right across this province, enhancing the quality of education for this province.

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Bill 110 is the latest step in our government's comprehensive plan to reform publicly funded education in Ontario. It's really about bringing forward the qualifying test and also the performance appraisal province-wide for teachers.

The purpose of our education reform is to continue to set higher standards for student learning in Ontario and to provide the tools and resources for students' successes. That's what it's really all about: improving the outcome for students.

However, excellence in education starts in the classroom, with the best possible teachers. Every one of us here today carries with us memories of teachers who made a difference in our lives. When I think back personally, I think of Mr Pope, who was my economics teacher, and how much I enjoyed him, how effective he was as a teacher. I remember he'd come in every day with current newspaper clippings from that day, talking about the current situation in Ontario at the time. I certainly found it very stimulating and interesting. It made me work hard to do the best I could in his class. He was also, I remember, a bit politically involved. He'd run as an NDP candidate in his earlier days. By the time he got around to teaching me, he'd switched over and become more conservative in his views.

When we were kids, we probably didn't realize how challenging the teaching profession is. Teaching is a very challenging profession. I am proud that Ontario has so many excellent and dedicated teachers, because good teachers are vital to helping our students to reach their effective potential. I read the education report this summer, and it noted that teachers are the most important factor in improving the outcome for students.

As parents we want to know, and have the right to know, that when a teacher stands in front of a classroom, he or she has the skills and knowledge needed to give our children the best possible education. We then have to understand what teachers do. Today, teachers must prepare our kids for lives of success and fulfillment tomorrow. But in our constantly changing world, teachers must do something else: they have to create an environment where students want to learn and, quite frankly, like to learn. They have to teach students how to learn and, most important, provide them with the tools to meet the challenges of changing jobs and new careers.

Teachers are the most important factor affecting our children's learning, and we never stop learning. Learning should be a lifelong activity. I've been learning a lot since being elected on March 22, all about Queen's Park and the various issues around the beautiful riding of Parry Sound-Muskoka. I've certainly been enjoying it, and I'm honoured to have been the representative for Parry Sound-Muskoka over the past seven months.

In order for teachers to be able to get students ready for tomorrow's world, teachers themselves must be continually enhancing their skills, adopting new technology and keeping their skills up to date. Of course, we must all realize that teachers are not alone in facing these challenges. Many other professions are faced by challenges of meeting tough expectations for quality and excellence from clients, consumers and the public. Other professions are accepting these new realities. They realize it is a competitive world out there, where comparisons and appraisals of professional performance are very important.

There are many professions today that have a variety of entry requirements and ongoing assessment and accountability practices. There are regulatory bodies for dental hygienists, nurses and occupational therapists.



They all require candidates to pass exams that test their basic knowledge and skills to become fully licensed or registered to practise in Ontario. The Ontario Association of Architects also has a mandatory continuing education requirement for all licensed members.

A month ago I was talking to my boyhood friend, Robbie Jones, who is now a professional pilot flying for Canada 3000, and he was just getting ready to do his annual instrument flight rules test. In his case, in his profession, if he doesn't pass it, then he gets some help in doing it again. I think he gets a couple of more tries at it, but if he doesn't pass that, he's out of a job in his case. Certainly we can understand that. We do want the pilots who fly our airliners to be competent.

The Royal College of Dental Surgeons of Ontario requires its members to complete a mandatory program of professional development over a specified time period.

Ontario has many excellent teachers and many of them recognize the need to keep their knowledge and skills current. They are actively involved in professional development activities to build their qualifications and develop new knowledge and skills. That is why our government has introduced our teacher testing program: to ensure that all teachers, both new and experienced, have the capabilities to help our students succeed and achieve higher standards.

Bill 110 would establish a qualifying test for all entrants to the profession, whether trained in Ontario or elsewhere. This test would ensure that teachers in Ontario would have the basic knowledge and skills expected to teach our children. New teachers would be required to pass the qualifying test to be certified by the Ontario College of Teachers to teach in Ontario.

The second purpose of Bill 110 is to create a performance appraisal system to evaluate teachers on their performance in the classroom. The new provincial standards outlined in the legislation would ensure that principals and school boards regularly and consistently evaluate teachers' knowledge and skills.

In addition, the legislation would provide for parents and students to have input into the appraisal process, and this is very important. Low-performing teachers would be given the time and support they need to improve.

In the time I have today, I would like to focus on the details of the performance appraisal system proposed by Bill 110. Bill 80, which the Legislature passed last June, established a comprehensive framework for professional learning by Ontario teachers. Bill 80 requires all teachers to participate in a series of professional development activities and courses in five-year cycles throughout their careers. As I understand that, it's 14 courses over five years; seven which are mandatory and seven which are the choice of the teachers in specific areas of interest to the teachers.

Bill 110 builds on the provisions of Bill 80 in several ways. The bill would allow for a regulatory authority to establish teachers' learning plans. These learning plans would be developed by teachers in consultation with their principals and would map out an action plan for professional growth.

There is a strong link between professional learning and evaluating performance. Mandatory professional learning ensures that teachers' knowledge and skills are up to date. Performance appraisal provides the necessary assurance to parents that the teachers in our classrooms are the best they can be.

Equally important is the way that Bill 110 would bring consistency to teacher appraisals in reference to their frequency, timing, standards and methods. There would be province-wide standards. This is a critical need that was drawn to our attention by a number of education partners, especially the Council of Directors of Education.

As we were developing this legislation, we asked the Council of Directors of Education to conduct a survey of teacher appraisal practices across the province. What that survey found confirmed the need for taking a much more comprehensive approach to evaluating teachers' classroom performance. While boards have been developing tighter practices in this area, few boards today have policies and programs in place to help weak teachers meet the standards they need to achieve.

The new performance appraisal standards would focus on the key areas of teacher performance. Those areas are commitment to students and student learning; communication with students and their parents; professional knowledge; teaching practices; participation in the life of the school and school community; and participation in ongoing professional learning.

These findings reconfirm the value of Bill 110 and the need to provide consistent, across-the-province standards for teacher evaluation.

I can see I'm running out of time, so I'm going to skip toward the end of my speech.

In closing my remarks, I would like to summarize the key features of the performance appraisal system that would be established by this legislation. The most important foundation of quality education is excellence in teaching. Excellent teachers are vital to helping students achieve higher standards.

1630

**The Acting Speaker:** Comments and questions?

**Mr Peter Kormos (Niagara Centre):** Rosario Marchese, who is the education critic for the New Democratic Party of Ontario, is hoping to commence his lead-off later this afternoon. He'll be speaking to this bill for an hour. He will undoubtedly be speaking about the fact that, while no one for all intents and purposes quarrels with the proposition that any professional should have their work subjected to scrutiny, teachers have been subject to scrutiny throughout the history of their profession. When principals and vice-principals are performing their administrative and supervisory roles within their schools, they are scrutinizing teachers.

Like so many other people, I know a whole lot of teachers. I can't think of any other profession that is as self-critical as teachers are. Our teachers here in the province of Ontario know that they are dealing with kids and that they are the single most important adult, next to

a parent, in that little kid's life, and, in terms of the formal education process, the single most important adult in view of the fact that so many parents are so pre-occupied with so many other things in an effort simply to keep the mortgage payments made and food on the table.

Mr Rosario Marchese, the education critic for the Ontario New Democratic Party, is undoubtedly going to point out that what this government has done again, though, has been to create two classes of teachers. It has acknowledged the very highly skilled teachers in the public sector—in a backhanded sort of way, mind you, because this government's been demonizing, vilifying, attacking those professional teachers in the public sector, in the public schools, the elementary schools and high schools in the province of Ontario for the six years that it's been in power here.

Teacher testing: oh, fine, teacher testing for public teachers. But this government wants to let private school teachers operate untested, without scrutiny, without any supervision, and at the same time hand over millions upon millions of public tax dollars to those same private schools—

**The Acting Speaker:** Thank you. Comments and questions?

**Mr Ted Chudleigh (Halton):** It's always nice to follow the member from Welland-Thorold down there.

The comments made by the minister, the member for Simcoe North, the member for Kitchener Centre and the member for Parry Sound-Muskoka were enthralling. I was spellbound by them and touched by the clarity with which they spoke to the bill.

Doctors in this province have to be tested, lawyers have to be tested—and I know we've made these arguments before—real estate brokers and real estate salesmen have to be tested in this province. Funeral directors have to be tested in this province at various points in time. Nurses have to be tested.

**Mr Kormos:** What about MPPs?

**Mr Chudleigh:** In fact, the member for Welland-Thorold makes a good point: the NDP should be tested every once in a while. All professionals have to be tested, and in fact all MPPs are tested at the polls every four years. So for a person to call themselves a professional in this province and yet not undergo some form of testing is inconsistent.

**Mr Michael Bryant (St Paul's):** Lawyers? Engineers?

**Mr Chudleigh:** Lawyers, engineers: they all need testing. All need testing at consistent points through the term.

I would argue that teachers are perhaps the most important professionals in our society, the most important, as they are the ones who direct and guide the most important assets that any jurisdiction has anywhere in North America or indeed the world. They look after our children; they guide our children in those first formative years to ensure they get a good start on life. I think it is imperative that these professionals get this testing to ensure that they are of as high a quality as the vast majority of them are in the province.

This kind of thing is happening all over the world. This isn't just happening in Ontario; it's happening everywhere.

**Mr Gerry Phillips (Scarborough-Agincourt):** I think the government members who spoke neglected to recognize the single most important thing in quality education, and that is a highly motivated teaching staff.

Virtually everything this government has done has been designed to demotivate our teaching staff. And so while this bill is before us, designed—and frankly, in quite a bureaucratic way. This bill is written by a bureaucrat. If you were in the private sector, you would never run your organization like this. Frankly, in my opinion, rather than motivate, it demotivates.

What has the government done in terms of major steps in education? The biggest single step they've taken in the last 10 years is the funding for private schools. The Fraser Institute said this is the biggest education move in North America. The National Citizens' Coalition says it's a huge step. It is funding for private schools, taking money out of our public schools and giving it to private schools. Frankly, all of this "designed to improve quality in the classroom" is being completely undermined by the government's desire, for whatever reason, to see our private schools grow at the expense of our public schools. The most amazing thing is that Premier Harris argued strenuously only two years ago before the United Nations, saying he would never do this, that it was a huge mistake funding private schools. But because now there's a leadership race on, the Minister of Finance, I gather, has persuaded the Premier to proceed with funding for private schools. So this bill, designed to improve quality, is being completely undermined by the demoralizing move to fund private schools.

**Mr Michael Prue (Beaches-East York):** I rise to comment on the remarks of some of the members opposite. One of the comments was talking about teachers that they knew and remembered, and it sort of brought me back to all those many years ago and all those teachers who were subject to teacher testing. I remember those days when the principal or the superintendent walked into the classroom when I was a young student and you could watch the fear in the teacher's eyes. That was a fear of somebody they knew; that was a fear of somebody they trusted and of somebody they worked with.

What you are subjecting or intending to subject the teachers to now is very new. You are going to subject them to testing by somebody they don't know, somebody they don't work with, and somebody, quite frankly, I think, that many of them do not trust. Because of the poisoned example, the poisoned relationship that has developed between the teachers, their union and the members of this government, I think many of them are reticent to embrace something that they have done all along, something that they expect to do, something that they have done as part of their credentials.

The teachers are leaving in record numbers from this province, and one needs to ask why. Is it because they're



all getting old like me? I don't know; maybe that's the reason. But I think another fundamental thing is that this is not the profession they once thought it was. It's not a profession where they're helping people; it's a profession where they are subject to daily taunts from their employer, where the funds aren't there, where they are not able to teach, where they do not have adequate resources. I think that's why they are leaving. There is a brain drain in this province.

If the province is sincere about all of its employees, they should look at some of the people who are on their boards and commissions. There are people who are on the rent review tribunal, I would tell you, who need a whole lot more testing than the teachers in this province. Look to some of your others and do something about them first.

**The Acting Speaker:** The member for Simcoe North has two minutes to respond.

**Mr Dunlop:** I'd like to thank the members for Niagara Centre, Halton, Scarborough-Agincourt and Beaches-East York for their comments this afternoon on the second reading of Bill 110.

*Interruption.*

**Mr Dunlop:** Jeez, there's some noise out there.

I'm going to read a few comments from some people supporting the legislation and supporting some of the thoughts behind this legislation.

For example, on the performance appraisal, I'd just like to read a quote from Phyllis Benedict, president of the Elementary Teachers' Federation of Ontario. "It's classroom performance, as evaluated by a vice-principal or principal, that should be the judge. What improves teachers' performance is a good, thorough evaluation process."

From Jim Smith, president of OECTA: "...teachers firmly believe performance review is an essential feature of professional integrity...." again a positive comment toward the legislation.

Another quote on the teacher test projects from Moira Macdonald, the Toronto Sun columnist; she's been following this quite closely: "But I ask you, if you were having brain surgery, how would you like to know the surgeon is considered competent because he has passed his theoretical courses, yet has not been tested on how he puts that knowledge into practice on a live person's head? Why should it be different when it comes to teachers?"

I think that's the feeling of a lot of people in our province. They trust, they believe very firmly or very strongly in the fact that a number of hours of our children's lives are spent with their teachers. They want the best-quality teacher in the classroom. Our government is doing the very best we can to prove to the citizens of the province of Ontario that they can provide that.

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**The Acting Speaker:** Further debate.

**Mr Gerard Kennedy (Parkdale-High Park):** It is certainly a pleasure to be able to rise in this particular debate simply because some of what we are discussing

here today was rushed through at the end of the last session, Bill 80, another component part of this approach by this particular government. But we stand here in this wood-panelled room far away from the classrooms that we propose to impact with this particular bill. With this bill, the government would choose to continue to perpetrate the mismanagement of education that has denigrated and degraded the attainment of learning in this province for quite a number of years.

I want to say at the outset, Mr Speaker, I'm sharing my time with the member for Scarborough-Agincourt and the honourable member for Eglinton-Lawrence.

I say to the members opposite that when you hear from a member like the member for Scarborough-Agincourt, who has run successful private sector companies, tell you that this is bad management, these are demotivational kinds of approaches that are embodied in both this bill and in Bill 80—in fact, this is the one part of education that isn't just about the resources. It is about the total lack of an effective approach on the part of the government.

Let's remember, as the parliamentary assistant shakes his head, that Bill 80 was mainly about, not bringing in something new; it was about throwing out something the government had done a year before. What they managed to do with Bill 74, one year before Bill 80, was eliminate extracurricular activities that had been taking place for decades in this province; single-handedly, with a thoroughgoing stroke of incompetent genius, the government managed to get rid of sports and after-school activities. The things that enhance the development of children in this province to their full potential as adults got erased by a careless, stumbling, reckless government.

We have in front of us today, in the form of Bill 110, another in the series, another one that has to be put in its context, a context of earned—out and out brought in by artificial inducement—turmoil into our school system on the part of this government. Instead of addressing that turmoil and conflict which they made a professional practice of their government, to which they put public resources in the form of advertising, in the form of polls, in the form of all kinds of misdirected resources.

This fall alone it continues; \$6 million of money that should be in schools, enhancing the classrooms that we stand so remotely away from, is not available because it has been spent on useless advertising promoting this government; in fact, television ads promoting this very bill. It has the gall, it doesn't have the gumption to do something about the issues that they have brought: the turmoil, the lack of attention and the lack of focus that happens in our schools when you do these kinds of things from this very remote place.

For those social scientists on the other side who would say they are going to micromanage our classrooms, this so-called Conservative government is actually a fairly corporatist outfit that would say to themselves, "We're going to push buttons from our plush chairs in Queen's Park and we're going to cause some effect to happen in 5,000 schools all around the province." They are actually

going to write the evaluation standards here in this House; that's what they're asking us to do today. The toll is palpable. We are here today with a bill that would say to the people of Ontario that laterally, six years into its mandate, approximately seven years, the government has woken up to some kind of burning need to set standards on its own for how teachers are treated in schools—six years later.

In that time, what has occurred? We're in the midst of a teacher shortage. The member opposite spoke about other professions being stripped of retirement. We have no professions in this province that have people leaving at the alarming rate they're leaving the teaching profession, exclusively under the mandate and the misdirection and mismanagement of this government. We are losing qualified teachers in front of the classroom right now, today, and it's happening in direct consequence of the actions of this government. We lost 5,000 teachers for reasons other than retirement last year, a 55% increase in teachers who left the teaching profession as a consequence of this government being unable to handle the number one management requirement to get the best out of their staff, to provide the inspirational leadership, to provide the kind of intangible need we've got to put into that classroom.

I will articulate that in the hope that it will find its way into this debate. We have to give to teachers the ability to convey to students a sense of development, a sense of learning; in other words, success in what they're doing. That's what will keep teachers in this province, not a bunch of phony-baloney tests written by some American outfit. This government is spending literally million of dollars bringing in an American company to write tests for teachers starting out rather than focusing on the real issues.

We learn in a study by Queen's University two weeks ago—lost a little bit in all the other newsworthy events in the world and of the government benches and so forth—that 50% of the leadership in our schools is going to retire, is going to quit. They're going to leave at the first available opportunity. They're not going to stick around at all. The principals in our schools are voting with their feet on this government's policies, and these are the best-trained, best-qualified, best-vetted people we could find, who made education in Ontario something to be proud of, who won awards, ironically, in the region of Durham, worldwide recognition. What did this government do? It paralyzed that very school system with three years of tension and strikes and problems in terms of extra-curricular, problems in terms of collaboration between the school boards, the parents, the councils and the individual teachers and students.

Here we are, pretending somehow that we're not in that province, that this isn't Ontario after six years of mismanagement of education and that latterly we're going to bring in some things that might have something to do with the quality of education. That's a conceit that cannot be allowed to pass through this House. That is a central government, Soviet-style approach that is being

brought forward and promoted by these unlikely members opposite. They do it because they need a place to hide. They need something to point to, they need something to grasp on to in the absence of anything that really amounts to success.

We heard earlier this month that this caucus was briefed by the minister and told not to expect increases and improvements in test scores. We heard the minister talk about accountability. I'd like to know—and the minister had better provide this House; I believe it's her responsibility, almost a fiduciary one—how she got those test results ahead of the time they're published. They're not published for a few weeks. How does she know? But the accountability that she would exact on to students is not reflected in any of the accountability on this government. You see around the world the difference between governments that are successful in getting education systems to reform and improve and do better for students and those who find themselves in the backwater of discontent and turmoil. Our government in Ontario today is stuck right in that swamp.

Michael Fullan, the dean of OISE, has written extensively, has evaluated the system in the UK, and puts them clearly, without naming them, on the side with the people who do not have a clear vision of where to go, nor do they know how to get there. Why? Because all they can do is prod people. All they can do is take the stick. They can't provide the balance of support, the balance of incentives to actually get the standards in this province to improve, to get the people in this province to feel confidence in the education system. In fact, Michael Fullan says—to introduce some expertise into this debate instead of the notional things we've heard, and we'll see that every single one of the premises this government is resting on for legitimacy for this bill is false. Every single one does not bear out, but it is in this context of mismanagement that we need to understand most of all where this bill comes from and how it will fail. In education in Ontario, where so many students, teachers and parents have lost confidence in this government's ability to do something, it doesn't just matter what you're doing; it matters how you do it.

1650

We don't have a problem with entrance exams for teachers, but we question why an entrance exam would not be done at the faculty of education. Why are we duplicating? And why would it not be done in conjunction with the College of Teachers itself? Why does it say in this bill that this is a test devised and administered by the Ministry of Education? What kind of misguided, big-government group think produced that? This government wants to write the test for qualifying teachers. I would say, out of all the things we might be able to agree on in this House, there will be members opposite who may be willing to concede that they don't know how to write that test, and they would best put that in the hands of people who do.

The idea of being able to show people as they start out—we believe that teachers are well prepared in the



faculties of education in this province, but we should know that the consequence of not having an attentive government is there today. We can talk about these future provisions, we can talk about what's going to happen over five years, but today in our schools there are over 1,500 unqualified teachers who did not pass faculties of education, who did not get their degrees, who are not supposed to be teaching; they have letters of permission handed out by the same minister who earlier in this House was introducing this bill—shortages, lack of qualified people, made necessary because the government does not know how to lead, does not know not to inspire, does not know how to motivate, does not know how to get the most out of the people who have to be onside, the people in the classroom. The government confuses itself and tries to confuse the province by talking about unions and about other people. It's the classroom. That's what matters. Inside that classroom are teachers who are leaving and don't have confidence in what this government is doing.

Simply addressing an entry exam and, in fact, evaluation procedures—if the government has nothing else to do in education, if they want to standardize evaluation procedures, if they want to get into that administrivia, I suppose that's something that isn't, in and of itself, harmful. But I would say to you that the government is on very shaky ground when they try to tell us that this is legitimized by others, and I'll turn to that in a moment.

I would also say that we have here not just the turmoil and conflict the government has imposed on the system; we have as well a government totally handcuffed by its ideology and political opportunism. They can't do the right thing for students in this bill. They are totally prevented from that. They are handcuffed because they are committed to things like private school tax credits. Half of the students who are in private schools have no standards applying to them whatsoever because they do not have certified teachers. In fact, these tests will not apply to certified teachers in the private schools.

This is directly contradictory to the recommendation of the royal commission, which I will refer to many times. The government has misconstrued and in effect does not represent accurately what the royal commission said and what did get support from various people in this House. It says explicitly—and I refer you to the report of the royal commission, page 33—that this should apply. Any certification should apply to private schools. But the government can't do it because they are ideologically hidebound away from that.

Further, the government is stuck in this land of political opportunism. They made a promise. They threw it out there in the last election. It was in their so-called Blueprint. It said, "We're going to test teachers." That's what they told the public. That's what the Premier said on his whistle stops, that they're going to have a test for teachers. Well, the bill in front of us and its predecessor, Bill 80, don't contain tests for teachers. In fact, I have here a cabinet document that was leaked in May 2000, a year after the election, talking about how it is impossible.

They've scoured the world to come up with written tests for teachers. Who among us wouldn't like to see some of the teachers who administered exams to us in the past write a few tests of their own?

But the government shouldn't trip over that apparent public approval for tests to the extent that it would come to this House—the minister presenting this bill stood in front of, as she has no fewer than 16 times, a backdrop that says "teacher testing" on it. She may stand in this House and say, "We're actually bringing in performance evaluations and we're talking about recertification."

This government tries to milk every single political advantage it can out of the impression that it's forcing teachers to sit down and write tests. They do that knowingly. They create damage as they do it. I think they denigrate the bill they bring before this House by the way they conduct themselves in the political sphere, by the way they create the impressions.

I again refer you to the fact that the government failed to come up with such a test. They promised it in the election. What we have instead is this garbled version of things, this very garbled version of events. We stand more than two years away from the time this promise was made and, I guess, approximately five years away from when these measures will take place—five years to become qualified and so forth. What kind of government does that kind of delay if it really means what it says?

This is political insincerity of the highest order. This government doesn't mean it. It just knows that if it says over and over again "teacher test, teacher test," somehow out there, as my colleague from St Catharines often says, "It's a dog whistle to some people who can't stand the apparent privileges they see teachers having." That is a sad attitude to be promoted by a government of the day that is held responsible for the achievement of our students in our schools. We can't afford it. We don't have the luxury of that kind of irresponsible attitude.

Further, this minister and sundry people here have put themselves in a very vulnerable place. They have quoted the Royal Commission on Learning, something called For the Love of Learning, which for too many people in this province has become the furthest thing as they deal with power and control issues and political games of the type we have today. For the Love of Learning was a five-volume study, the last one done in this province. It had many of its measures endorsed, and it has been bowdlerized, taken apart, by this province, by this provincial government.

I refer you to what this report says about teacher recertification, about what happened in Bill 80. We're being asked today to provide regulations for Bill 80, to give further effect to this government's version of recertification, what it found in place of the phony test promise. It says that there should not be any specific qualification the ministry should require of teachers to take particular courses. It says explicitly that it should not be set by the government of the day or even by the College of Teachers.

What did the royal commission recommend on the way to strengthen the qualifications of our teachers? The

royal commission simply said that there should be a requirement to be successfully evaluated and to have taken professional development courses that were approved by the college. That is a far sight different from the total mismanagement we have here in front of us. The government of the day instead is going to be prescriptive and, incredibly, pick the seven courses every teacher in this province is going to do. Presumably they'll turn to the same American consultants for what those courses are. It's absolutely incredible and absolutely, diametrically opposed to what the Royal Commission on Learning said was in the interests of the children of this province.

We have a government that has just proposed a bill on the shakiest imaginable grounds, because we have a prescriptive approach that takes away from the one effective means we have in this province of making sure individual students will have a qualified teacher, and that is the effective efforts of the supervision in the schools and by the school boards.

This detracts from that; this takes away from it. That's what the royal commission said, that the school boards and the employers should be responsible for specifying what professional development would meet the standard. That should be done and it should be done in some kind of manner that allows people to buy in.

1700

There is a requirement in one other province in this country for mandatory recertification and that's in the province of Nova Scotia. You'll notice the minister and her assistants go vague when they talk about other jurisdictions. Let me be precise. The province of Nova Scotia has mandatory recertification, and it's run by the teacher federations because the government there recognizes that the teachers themselves know what needs to be done in terms of improvement, that self-prescribed learning is going to be as effective as anything some remote government sitting in a wood-panelled room like this or some plush office in the Ministry of Education is going to be able to come up with. It is diametrically opposed to the only model we have in this country for improvement by teachers if it's made mandatory by a government.

The government said, "Well, there's inconsistency by school boards in terms of evaluation." Our party has no problem with evaluations being done. We expect them to be done. We expect that is the best defence we have against those teachers, that small minority, who may not be up to their roles.

We took specific note how the minister made very brief reference to dedicated and positive teachers and then spent the rest of her time on what this bill apparently is still about: it's still about attacking teachers; it's still about calling into question their qualifications.

She talked about other professions. There is not a single profession in this province that writes recertification exams. Medical technologists write a test every 10 years. Nobody else does exams of this nature and nobody does them prescribed by the government of the day in some paternalistic manner.

The people in this House who want to endorse this bill stand in a unique position as overseers of the educators of

this province, and they put themselves in the place of the proper supervision that should be happening at the local school level. I think it takes an immense amount of audacity to do that. Respectfully, I wonder how this government can find itself putting teachers at such variance with other professions.

I went to one of the 17 previous announcements by the minister. It was being held at the Institute of Chartered Accountants of Ontario. That institute has four public members. The College of Teachers was two doors down and the government hadn't even told it about the announcement it was making, one of its long series of politically motivated public relations. It wasn't even invited.

The Institute of Chartered Accountants works completely differently. They don't administer recertification exams, but if they did it would be their choice. That's what the royal commission recommended, that whatever is done should be determined by the College of Teachers. Instead, this House is usurping the function of the College of Teachers because this Harris government, or whatever it will be named in the future, is lost, trying to hang on to some of the political promises it made in the past, but it has no particular place to go. It's very clear. There is no other profession that has been put on a par with teachers in terms of the number of attacks that have taken place. I challenge the people opposite to a single study that shows that the inconsistency by school boards is hurting, in any way, the quality of teaching we have out there.

We have other issues that are affecting the quality of teaching. For example, this government party increased class sizes last year. In Bill 80 they increased the number of students who have to be dealt with. In their earlier efforts they decreased the amount of time teachers have to learn. They eliminated the mentors who existed, who were there to teach new teachers and help them learn, help them do better. They got rid of that. In other words, this government took teachers a huge step back in becoming more qualified.

Ninety-eight per cent of teachers, according to the studies that exist, are taking the improvement courses—88% in any one year, and 98% have taken such improvement courses. If the members opposite had availed themselves of our invitation last year to go back to school, they would have seen that the summer schools that exist to teach the teachers the new curriculum this government has thrown at them without satisfactory resources—another classic example of mismanagement. Those actual resources aren't there but they're being provided by teachers.

It was the teachers of the province who went to the government of the day and said, "We'll set up teacher institutes; we'll run summer schools for teachers." Every summer those schools are oversubscribed. The government of the day won't put enough resources into them to have enough teachers trained to deal with the curriculum in as effective a manner as possible. That is the real-world contradiction of the premise we're being served up with today on this bill.



So we have a bill that is refuted by the royal commission, that is refuted by the experience elsewhere, which says this is not the way you go about it, that is refuted by anyone with insight into how people are motivated and how people are made to feel that what they do is important. The members opposite instead denigrate it, and this has a cost.

I would like to read to the member for Kitchener Centre, who has heartily endorsed this bill, who has prescribed no fault, no problem with the whole course and conduct, a letter from someone in his riding. The letter, to the registrar and chief executive officer of the Ontario College of Teachers, says:

"I wish to withdraw my membership from the Ontario College of Teachers. I will not teach in Ontario to protest the government's implementation of teacher testing. It is insulting that I am required to take 14 courses regardless of my qualifications, level of training and expertise. I have a Bachelor of Science and Master of Arts degree, primary, junior and intermediate division qualification, a specialist qualification—special education, and principal certification. Additionally, I am an associate of the Peace Education Foundation in Miami, Florida.

"I have trained teachers and presented at conferences in both Canada and the United States on conflict resolution, mediation, positive discipline, classroom management, playground management, bullying prevention, gifted education and family life education.

"The present professional learning program treats someone with my background and experience exactly the same as someone with two years' experience. As a teacher I was expected to develop a program geared to the individual needs of my students, but apparently this does not apply to the government."

That is signed William Blair, who is quitting teaching, a member of the teaching profession in Kitchener whom we are losing as a direct consequence of the ham-handed management that we're presented here with Bill 110.

Why couldn't the government take more care? Why couldn't the government of the day actually look at the requirements? Why couldn't they look at more effective recommendations? Let's start with the recommendation that actually was in the royal commission. Stand back from this micromanagement, stand away from this political opportunism, to be seen to be in charge, to be seen to be in control, to be sounding out, as the member for St Catharines says, the dog whistle to certain people who want to see teachers attacked. Show some discipline.

I can tell you, as some of the polls have shown, that not everybody is onside with their version of teacher testing. In fact, if we're to believe the leaked caucus document, 83% of the people of Ontario are saying to this government, "Stop the turmoil with teachers." They understand it's a senseless, endless dead end. Instead, we have in front of us a bill with many of the prickly aspects, the assumptions that have led to that sordid, sad state of affairs that this government has to be held responsible for.

They could instead use some of the \$58 million the member opposite referenced, the savings from grade 13—\$58 million is going to be saved there. Some of that could be put into teacher development. If you listen to the experts in this world—and Michael Fullan at OISE and people elsewhere have evaluated what has happened in jurisdictions where they've actually improved the quality of education—they say that you've got to invest. You can't talk about teacher quality; you've got to invest in it. You've got to have leadership centres. You've got to be able to put in front of teachers the ability to take the courses that will allow them to improve, not simply demand it.

It's an old-style management process that comes from a government insufficiently committed. It's no wonder, because every student in this province is missing \$1,800 that used to be there—1,800 bucks, 15% of what they used to receive, and part of that found its way into the things that made for better teachers, that took some of the burden off them every day, that made the courses more available to more of the children, that allowed them to tailor things. But this government will not slow down, will not learn, will not find itself. Instead, they've increased class sizes and put themselves in a situation where they are forcing the William Blairs of this world out of the teaching profession. That, I believe, the government of Ontario will find itself held accountable for by the people of Ontario.

I think when we talk about teacher morale, probably there are not that many people inherently sympathetic. But when we talk about teacher shortages, everybody appreciates that means that children in this province are not getting the instruction, learning and support from the only people who can give it. The test I would ask the members to apply is, does this bill enhance that prospect? Does it send a signal of respect to teachers in this province? I would say it does not. Further, I would challenge once more each of the members of this Legislature before they pass this bill, before they next vote on this bill, to go back to school, to spend a day in their local schools. Start off with the earliest staff person, who is bound to be one of these teachers we are blithely talking about here, as if the people collected here have all the knowledge in the world to set those standards. Go to those schools, which almost half the members of the Legislature have not yet done. Everyone should go back this year and see and talk to the teachers, talk to the students and talk to the parents. When they find out what an impractical program you have, see what their suggestions are. Listen to them.

1710

I am going to propose that what we need so that we don't live in a Hippocratic environment—I don't infer that to any honourable member—is a test for MPPs that would test your knowledge of education in Ontario today, your insight into how we can best turn around the failed reforms of the last six years. You need to be in those schools. You need to be acquiring that knowledge. I would say to each of you in this House that this is a very important bill in that respect. It's a chance for you to

demonstrate to the students and parents of this province that there is now a will to get it right.

**Mr Joseph Cordiano (York South-Weston):** I think this is an important debate that we should be having in this House. It follows on a number of other measures this government has taken to undermine the education system. I believe what this bill, along with Bill 80, attempts to do is masquerade as a bill designed to improve the quality of our teaching profession.

This government has gone through a number of contortions in an effort to say to people, "Look, we're doing something about the problem in education." We've seen this over the past five or six years that this government has been in office, where education has become the scapegoat for all the problems that plague our system in general. This government sees that teachers have let Ontario down, "So we're going to ensure that the quality of teachers increases dramatically," as if that was the real problem, as if that was the only problem in education.

No one is opposed to performance appraisals and a proper system where teachers have the opportunity to develop their careers and improve their skills. I think that is something that has always been undertaken by teachers. I look at my wife's experience. She's been a teacher for 20 years, coming up. She has taken developmental courses throughout her entire career. She's a special-ed teacher. But I'll tell you this: the experience of my wife in the classroom has been that over the last number of years, since this government has taken office, there has been nothing but devastation with respect to her ability to do the job. The lack of funding and the lack of teaching assistants for special-ed teachers have eroded the quality of education in the classroom.

When we're talking about improving education in Ontario, let this government start by improving the amount of funding that ends up in the classroom. A series of initiatives that have been undertaken by this government has seen the erosion of quality because there has been an erosion of funding. I'm sure my good friend and colleague the member for Scarborough-Agincourt will allude to some of the problems that have plagued the education system with respect to funding.

At the end of the day, it does amount to a series of initiatives that have demotivated the teaching profession, that have made the teachers feel as though they are less than welcome in their profession and that have certainly created a great deal of turmoil and tension in the system. I don't think there is a person in Ontario who can dispute that with respect to our education system.

The question is, how is it going to be rectified? Does this bill do anything to improve that situation? I would argue that it does not. If anyone doubts that the measures this government has taken would improve quality in education, if they doubt what we say, then why is it that neither of these bills, Bill 80 and Bill 110, applies to the private schools in our province? Why is that the case? I know quite a few people who send their kids to private schools, and let me tell you, they believe, firmly believe, that the private schools in our province are better than the

public schools. That is the perception. I defy anyone to suggest here that somehow private schools don't need this form of testing, don't need the measures that apply to the public sector. I cannot for a moment understand how the government can make the argument that private schools should be exempt.

Furthermore, taking funds away from the public school system to fund the private school system through this government's tax credit scheme is nothing short of ridiculous, and damaging to the public school system. You cannot conclude otherwise. Simply put, funds taken away from the public system to go to the private system are going to hurt the public system. You cannot get around that basic fact.

So when all is said and done, I don't believe that requiring teachers to take additional courses that are prescribed by the ministry—a top-down approach, the ivory tower approach, with the Ministry of Education prescribing these courses—is somehow going to solve all of the problems with respect to quality in education. I think that is entirely the wrong approach. The College of Teachers should, in an ongoing fashion, determine what courses ought to be required to be taken. Professional development is an ongoing matter. That should be done; that should be undertaken. But I say to you, as I said earlier, this is not new. Teachers have always taken courses to upgrade their skills and knowledge base.

So I say to the government, it is an attempt to once again wrest control of the education agenda. It is top-down. It is very bureaucratic and very prescribed. I don't think that in the end this is going to serve our children well.

Furthermore, the fact is that this is not going to lead to a situation where we have a greater number of teachers entering the profession. We now have a tremendous shortage of teachers. There is a lack of qualified teachers. I fail to see how this in any way will enhance that and make it easier for teachers entering the profession or encourage them to enter the profession.

High standards must be maintained. Obviously, we need qualified and quality teachers in the system. But I don't understand how this government imagines we will face the crisis with respect to the shortage of teachers in the future by imposing this rigorous, top-down, bureaucratic approach, prescribing the kinds of testing that will be done and undertaken and not allowing for the College of Teachers to play a primary role in determining that.

So I'd say that this bill does not enhance quality in the classroom. I think there are some serious problems with it with respect to what the government is going to prescribe. Of course, we agree with performance appraisal, the approach to that; we agree with the principle of it. But the specifics, how to carry that out, are seriously flawed.

I think my colleague alluded to the fact that there was a teacher who had written who said he would now step down from the College of Teachers; he would be resigning. That is a real shame with someone who has



those qualifications, that level of experience and knowledge. We should not ever put these kinds of people in a position where they're going to walk away from their profession. That's the state of affairs, a sad state of affairs, in the province of Ontario today. With respect to education, this government has a long way to go. It has steered us in the wrong direction as a province. I can only hope that teachers are not dissuaded from continuing with their profession.

1720

**Mr Phillips:** I'm pleased to continue the debate on Bill 110. I've had a little bit of experience in education. I was on a school board for 11 years and have some appreciation of it. To me, firstly, the importance of education can't be understated. If we are going to compete globally in the future, this is really the key: the quality of our education system, both our elementary and secondary but also our post-secondary.

Frankly, for me, virtually everything the Harris government has done in the last six years in education has undermined the morale in our education system. I'm of the belief that a key to education is, firstly, having well-motivated, enthusiastic, qualified teachers who are excited about their job. Nothing is more important to us. The government likes to use private sector analogies. If this were a business, your single most important product is your teachers. Virtually everything the government has done has been designed to stifle creativity, motivation, excitement and enthusiasm in the classroom.

I, like Mr Miller, look back—much before him—on my high school days, and I can still picture those teachers. As a matter of fact, David Suzuki was the student council president when I was at London Central. Just recently I happened to see a documentary on David Suzuki, and he was sitting there talking to one of his old teachers, who also was one of my old teachers. I think it was either Miss Wyatt or Miss Roddick, one of the two of them. I can still picture Coach Trout, Coach Rice, Coach Leyshon, Mr McKillop, the principal I saw slightly too often. They were excited and motivated.

Furthermore, we have to create a climate where young people, when they're thinking about a profession in Ontario, say, "I want to go into teaching. That's where I want to be." If we don't do that, we are sowing the seeds of our own future problems.

Virtually everything the government has done is to get at those few teachers who are not performing adequately, but in the process, we end up demoralizing and demotivating the rest of our teachers. I want to go into a school that is throbbing with excitement. I will be at a school tomorrow morning, Mary Ward school in the area I represent, a terrific school that does throb with excitement.

As I say, this bill, if you read the bill, is a bureaucratic bill. It's a bill written by bureaucrats to take the excitement out of teaching, not to put it into it. Yes, it will make sure that we get at whatever percentage of teachers it is that either need to be dramatically upgraded in their performance or need to be encouraged to go to another

profession. But in the process, we stifle the rest of the teachers, who have been the inspiration for our young people.

I've always been surprised with this government. I thought the Conservative government believed in decentralization. If you now look at the school boards in Ontario—I often go to Haliburton, and that school board goes for a thousand kilometres. They've lost touch with their school board. Here in Toronto, the area I live in and represent, one huge school board with no feeling of community involvement. The discussion from the minister here is all about funding formula. It's all about "multiply this by this and you get that." The elimination of the principals and vice-principals from the teachers' federation: in my opinion the primary motivation was, "We've got to have a plant manager at that plant. We've got to have our person running that place. We can't have a teacher running that. We've got to have the plant manager there." As I say, it disturbs me because if this were, to use the jargon of the government, a business, it's the last thing you would do, to stifle the fundamental creativity of our teachers.

I'd encourage anyone to read the bill. It's a mechanical, bureaucratic bill designed to measure the number of widgets being produced, as opposed to inspiring young people. I say again, as my colleague Mr Kennedy said, we need to make absolutely certain that teachers are evaluated and we need to make absolutely certain that those who need to be upgraded are upgraded and those who should be in another profession are required to be there. But in the process, we just put a wet blanket over the rest.

As I say, I've always been surprised at the degree of centralization this government has gone through. It's now like, "We at Queen's Park will control everything. If there's somebody misbehaving out there, we will impose the controls to get at that one person," but 99 other people are demotivated. I repeat, I think our talented young people looking at professions will increasingly look at the teaching profession and say, "That's not for me. I want to be able to express myself. I want to be able to expand. I want to be somewhere where I can use all of my talents. I'm not a widget."

In addition to stifling creativity and enthusiasm, on the practical side the government has not been adequately funding education. That's important in this bill because this is An Act to promote quality in the classroom. But the people of Ontario should be aware that the government is actually cutting spending on elementary and secondary education this year, 2001, by at least \$100 million. The per pupil cost is dropping quite significantly, while the rest of North America is saying, "Our most important investment is in education." We look at the jurisdictions we are competing most directly with: Michigan, New York, Ohio. When you look at how they are attracting businesses to their area, they talk about their investment in education. But here in Ontario we've chosen to not follow that lead. On the legislative side we're demotivating people from getting into teaching and

demoting the ones who are there and, on the financial side, doing the same thing.

As my colleagues have pointed out, the bill makes no mention of private schools, and yet the government has said, "We're going to take \$500 million of taxpayer money and we're now going to put that into private schools," in my opinion and in the opinion of my leader Dalton McGuinty, a fundamental mistake.

The area I represent is called Scarborough-Agincourt. It's a community that's gone through enormous change in the last 15 years, from essentially very much an Anglo-Saxon community—20 years ago probably 80% that background and now perhaps it's 20% that background. It is an incredibly diverse community culturally, religiously, ethnically, and it's gone through that with a minimum of problems and a maximum of goodwill.

1730

I always say that the major reason—not the only reason, but the major reason—is our schools; our elementary schools, but particularly our secondary schools. Tomorrow morning, as I mentioned, I'm at Mary Ward secondary school, a very diverse school with a very unique and quality program of independent learning, and tomorrow night I will be at a school called Stephen Leacock—both tremendously diverse. But I guarantee you, when this private school funding goes through, rather than the community coming together in the secondary schools, I believe there will be 10, 11, 12 different secondary schools, religious schools, in the area I represent. Suddenly we are fragmented.

As we are looking at quality education, the government, as it brings in this bill, is doing more, in my opinion, to undermine quality education by proceeding to fragment our public system, taking \$500 million and putting it into private schools. Rather than our young people coming together, we've decided that we are going to fragment them on the basis of these private, religious schools. I think it's a fundamental mistake that will do much to undermine our public schools.

I would also add, I quoted the numbers for funding. We are competing against Michigan, New York and Ohio. We are now the most export-oriented jurisdiction in the world. We will continue to compete against them. How are they competing? You watch Pennsylvania when they say, "Come to Pennsylvania." Governor Ridge, now heading up the internal security for the US, has been Governor of Pennsylvania for some time. The television commercial says, "Come to Pennsylvania because we've got the quality education system." And what have we decided to do in Ontario? I've quoted the figures in spending, but we've also decided we are going to compete, not on the basis of a quality education but, "Come to Ontario because we are going to have corporate taxes 25% below the US."

My leader and our caucus have said, "Competitive taxes, absolutely." We cannot have taxes in Ontario out of line with our competitors. But tell me again why we want to compete by saying, "Come to Ontario because we've got corporate taxes 25% lower." Inevitably, it

means that our health care system and our education system will not be able to compete with those jurisdictions. "Come to Ontario. We've got inferior health care and inferior education but 25% lower corporate taxes." I'll guarantee you, the corporations will end up where they're guaranteed a quality workforce, and that will be through our education system. We've decided in Ontario on a policy of corporate taxes 25% below the US. It makes no sense to us and, I think, to the business community, putting at risk the quality of our workforce.

It is important in this bill, as we are doing these quite mechanical—to use the jargon, we are micromanaging the system so that the government can go out and say, "Yeah, we are going to go after that bad teacher." And so we should. We should identify teachers who aren't up to standard. We should, first and foremost, help them get up to standard and, if at the end of the day, they simply can't perform properly and adequately, we should help them find another career, in their interest, in the interest of the students and in the interest of the public.

But while this is designed to say, "This is going to improve education," the real move by this government is to fundamentally undermine it, moving substantial numbers of students into private schools. I would add, when I say this is a big move, the Fraser Institute, quite a conservative think-tank by anyone's definition, has said that this is the biggest move in education in North America. I think the National Citizens' Coalition said this is the biggest development in 100 years in education. They realize that the Harris-Flaherty plan to fund private schools is going to fundamentally change, by shifting students out of public and into private.

So while that's going on, the government wants to be able to say, "Listen, we're going to improve the standard and the quality of our teachers."

I say that, first and foremost, we need to focus on motivating and enthusing and making sure our teachers understand how important their job is and how much they are appreciated and how fundamentally essential they're going to be for the future of Ontario. That's where we should be focusing our major effort. Yes, we need to deal with the ones who need improvement and need to be perhaps counselled to a different career.

I go back to my own personal experience, as we all do. I was blessed to have in my schools, when I was going, highly motivated teachers. I've told this story before in the Legislature, but our football team had a 40-year reunion. I went back to that, and 40 years later, our three coaches were there—I could hardly believe it—Mr Trout, Mr Rice and Mr Leyshon. They remembered every one of us. They remembered the numbers we wore. They remembered every game. They remembered every score, often remembered the good things we did and periodically the not-so-good things. But my point is this: they were motivated, they were enthused, they had not had the enthusiasm knocked out of them by, frankly, a continued bureaucratic approach to it.

I might add that the Ontario high school basketball championships were held in Scarborough, the area I



represent. My old school, London Central, was at it, so I went out to watch it. The two coaches of the high school team now were the sons of my old coaches, Rice and Leyshon.

So I say to us that I think the fundamental problem that the government has is that they have decided that they are going to manage this school system from Queen's Park. They've decided that education is something like a factory, simply widgets going off the line. You have a funding formula for it and you have a bureaucratic format for evaluation. You essentially take the enthusiasm and creativity out.

I would say the problem's going to be that the really good young people that you want to go into teaching will look at it and say, "I'm not sure that's for me. I view myself not that way, but I view myself as a far more creative, innovative person. That looks like an environment that will stifle my creativity and my innovation." So while the rest of the world is heading to encouraging young people to get into education and to use their talents, we're simply, increasingly, more and more bureaucratic about it.

I might also add that rather than education over the past six years being seen as an enormously important part of Ontario that deserves to be celebrated and invested in and a source of investment that will pay off, we keep choking it, and at the colleges and universities even more so than at the elementary and secondary: \$500 million taken out of post-secondary. I think every single US state has substantially increased spending on post-secondary, every province has, and Ontario still is not back to where it was in 1995.

As I say, this bill is quite typical. If you read it, it's bureaucratic in nature. It's designed, I think, to try and deal with the 1% problem, but in doing so, you undermine the 99% that are doing a good job in our classrooms.

It's unfortunate that the government hasn't decided to deal with the important issues of: let's not fragment our public system by putting \$500 million into private schools; let's keep focusing on building our quality of education; let's also, rather than trying to stifle creativity, introduce some measures that enhance it so that our young people who are looking at a career will say, "I want to go into teaching," and our good teachers say, "I love being here."

1740

**The Acting Speaker:** Comments and questions?

**Mr Prue:** I have just a couple of minutes. I listened with great interest to the previous speakers from the Liberal Party. Most of what they had to say, I cannot say that I disagree with it.

What the whole thing comes down to, and I think what they were trying to say—

*Interjection.*

**Mr Prue:** Couldn't hear you, George. I'm sure it was very intelligent.

The whole thing comes down to teacher testing, of course. What does that do but demoralize? I'm not going

to talk just about the demoralization of the teachers but the demoralization of the students. In all of this, we're not really talking a lot about the students.

In a family, if there is bickering between parents, usually the kids are among the first to know it, and they're the first to suffer from it. The same thing is happening in the schools. Where there is bickering between the teachers and the government or the union and the government, it is meted out and it ends up being the teachers' inability to teach the students or the students' difficulty in learning.

We see a lot of what's happening in the education system today, things that we should be more concerned about than whether or not there is teacher testing. Some 44% of our kids in school today have no music teachers. That has gone up this year to 50%. And 67% of them have no phys-ed teachers; 63% of them have no English-as-a-second-language teachers. That's the problem. The problem isn't that the ones we have haven't been tested; the problem is that there are not enough teachers out there doing the right thing. When they do try to do it, there seems to be confrontation. When there's confrontation, the students are the ones who suffer.

Go into the high schools today, any of them—I ask you to go into any of them—and ask the students of the last few years whether they think they're getting a good education. I'll tell you, they won't answer like I did 30 years ago. They're going to tell you they're not getting it and they're not happy, and that's the problem.

**Hon Chris Stockwell (Minister of Labour):** I think it's important that we debate the bill and talk about the bill. I don't particularly care to get personal in this House, because I don't think there's a lot of place for personal charges and accusations, but I do sometimes take great offence to members opposite standing up and challenging, charging, convicting members on this side of the House that they don't spend any time in public school classrooms; they don't spend any time at public schools; that somehow we don't spend time at the schools or spend time at the schools because our children are at these schools in our riding or in the province of Ontario.

I speak very specifically. I don't want to be personal when it comes to these things, but when those kinds of charges are made, they're very personal by nature. They're suggesting that we don't care, we don't go, we won't show up. I've got to tell you, personally speaking, I've got two kids. They're both in the public school system. Every morning I drop them both off at their public school. I know their teachers, and I know them because I go to the parent-teacher night. I go see them play after school in their soccer teams and their basketball teams.

But what is truly personally offensive to me is to get the lecture from across the floor, and some of these members who lecture you about not going to these public schools that my children attend send their kids to private schools.

*Interjections.*

**Hon Mr Stockwell:** The reality is, it isn't funny. I don't mind having a debate on the issues, but challenge me to go into a public school, which I do every day of my life, and then you send your kid to a private school? How can you look at yourself and make this argument? It's not only insulting; it's that H word.

**Mr James J. Bradley (St Catharines):** One of the things I think most people notice now, since the Harris government has been in power, is the lack of morale that exists in the public school system. So many people who were working in the schools used to go to the school with a lot of enthusiasm, a lot of energy, a lot of interest, and with a desire to impart knowledge and provide some appropriate guidance to the students in the system. Today when you talk to people who entered the profession with so much enthusiasm and energy, looking forward to each day they were teaching, when you talk to those individuals, almost invariably they are turned off by the kind of policies the Harris government has imposed upon the school system and, even more so, the style in which this has been done.

Mr Speaker, I know you have people in your greater family—I heard you speak one day—who are members of the teaching profession. I think you said that one day. I certainly have had people within my greater family who are members of the teaching profession and enjoyed it very much.

Some of the people who are retiring today, it's interesting to note, retire the day they can. Instead of staying on in the profession, instead of wanting to continue on, because of the hassle they get these days, they tend to be turned off by this. The member for Scarborough-Agincourt painted that picture within the school system.

I think everyone agrees that there has to be an evaluation of those who are in the classroom. It takes place at the present time. I think the kind of evaluation that is being imposed upon them will pose some considerable problems. Particularly, one will have to look with care at how the government will implement having parents and students make the evaluation judgment that will determine whether or not a teacher will continue in the profession. I think professional evaluation is certainly necessary. I get concerned when I think that people with an axe to grind might be able to grind that axe.

**Mr George Smitherman (Toronto Centre-Rosedale):** I listened with interest to the Minister of Labour attempting to suggest these challenges for people who might send their kids to private schools. But I noticed that in the two minutes he had, he didn't address a central concern, which is that we have seen from this government a new thrust. This is the government member who likes to say they're just doing what they said they would do, yet if we think back to their budget of this past spring, we see a government that has agreed to spend half a billion dollars a year on vouchers for private and religious schools—not something they went to the electorate on.

When we confront them on the fact that their bill, like the bill on trying to protect kids from sexual assault by teachers—when we try to suggest and highlight the ways

in which these bills fall short of providing equal protection and equal standards across both of these systems, one now publicly funded like the other, they fail to answer the questions.

The presentation made by my colleague was excellent. I think it highlighted the extent to which the Minister of Finance, through a tax credit proposal, was able to steal the responsibility for education from that minister, who sat silently while he did that. I want to ask that question: how can they in good conscience stand still while we see this two-tier system developed? One system, the public one, has all the measure of accountability. The private one is also the recipient of public dollars, yet the students and teachers in that system are not held to these high levels of accountability that they get all riled up about.

That's what I would have liked to hear from the Minister of Labour, but he chose instead to be silent on that rather important point.

**The Acting Speaker:** The member for Scarborough-Agincourt has two minutes to respond.

**Mr Phillips:** I'd like to thank the members from Beaches-East York, Etobicoke Centre, St Catharines and Toronto Centre-Rosedale.

I will focus a little bit on the Etobicoke Centre comments. I don't want to be personal either. I don't like that. I know you go every day with your two kids. One I know well because he played road hockey out in front of my door for a few days. But I would have thought you might have argued with Mr Flaherty when he brought in that \$500 million. I don't want to get angry about that, but I would have thought that because you are a supporter of the public system, you would have gone and told him, "Don't do this. You're going to destroy education." You're a good supporter of public education, but that didn't happen. I don't want to be personal, but I think you should have gone to Flaherty and said, "Listen, don't do this." I'm just saying to you that I know you're a big supporter of public education, and I'm not trying to be personal, but why did you allow Flaherty to bring in a \$500-million tax credit, a tax plan taking \$500 million of money that could have gone to help your children in those public schools, and now Flaherty's going to put it into private schools?

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I know that every day Mr Stockwell takes his two very fine young children to school, but I would have thought you might have said to Flaherty, "Don't do it. You're going to"—

*Interjections.*

**Mr Smitherman:** Silence, Stockwell.

**Mr Phillips:** Yes, silence by Mr Stockwell.

I would have thought you would have said to him, "This is a huge mistake, because I go every day. I'm in the schools. I know the quality there. You're taking \$500 million away from public schools." But I don't want to be personal. I think you should have told Flaherty that. That's what I feel.

**Hon Mr Stockwell:** That's not the issue, Gerry.

**Mr Phillips:** The minister says it's not the issue. It's exactly the issue: \$500 million out of public education



into private education. I would have thought you would have argued against that.

**The Acting Speaker:** Further debate?

**Mr Rosario Marchese (Trinity-Spadina):** I am happy to have this opportunity to talk to the good citizens of Ontario once again, happy to speak to this bill called Bill 110, Quality in the Classroom Act, happy to say I'll have a full hour of which you, good citizens, will have the benefit of only about seven minutes today. But tune in on Monday. I suspect this will continue, and I'll have about 47 or 48 minutes, more or less.

You see, Speaker, I need all the time I can get. I was always in disagreement with our party and with the Conservative Party. They reduced the amount of time we have in this place. We have so much to say, but they have restricted our ability to speak in this place, and it's been, I believe, a sad, pitiful mistake that they made and, quite frankly, that we made.

I want to give you a little context before I get into this bill. I want to say for those of you who were watching the debate just a couple of minutes ago that New Democrats were unequivocal about their opposition to funding for private schools, which includes funding for religious schools and the private schools that are non-denominational. You might recall that some other party had an ambiguous position in that regard.

**Interjection:** Who would that be?

**Mr Marchese:** They're to the right of me. I don't want to name them by name. They of course had a different position, which they corrected in time, because even their own leader said he opposed private schools, even though during the last election they said they would consider funding for religious schools. But they corrected that.

**Interjection:** Are you talking about the Liberals?

**Mr Marchese:** And they, to the right of me, said, "We oppose funding for private schools, and we support them now as well." But New Democrats were unequivocal from the very beginning. We supported the Minister of Education when she said years ago that to fund private schools would take \$300 million out of our public system, and that would of course be part of the ruination of our public system. I supported the Minister of Education when she said that. I also supported the Premier when he said that to support—

*Interjections.*

**Mr Marchese:** John, please. My goodness, John. I know you're talking to somebody else, but you're distracting me a little bit. If you're talking to me, I don't mind, but you're distracting me.

*Interjections.*

**Mr Marchese:** Talk to me.

*Interjection.*

**Mr Marchese:** Oh, you are?

**The Acting Speaker:** Order. Talk to me.

**Mr Marchese:** I'm talking through you, Speaker, to them.

When the Premier said that to fund private schools would take \$500 million—

**The Acting Speaker:** Order. I just want to say that, yes, you should address your comments through the Chair, and those others who want to address comments, either do it outside voluntarily or—the Chair recognizes the member for Trinity-Spadina.

**Mr Marchese:** Speaker, I already said that I was speaking through you to them. I did.

So when the Premier said that to fund private schools would be a tragedy because \$500 million would come out of the public system—

*Interjection.*

**Mr Marchese:** No, he said \$500 million, Chris—through you, Speaker. That's a whole lot of money.

Then both he and the Minister of Education said, "Ah, that would have been a loss to the public system had we done it the old way." In my query to her in committee I asked, "What would that old way have been?" She rambled on about something having nothing to do with the question, so I insisted; I asked the Minister of Education, "What would that old way have been that would have taken money from the public system, whereas your new system, the tax credit, doesn't take money out of the educational system; it comes from some other source?" The poor minister, of course, was caught in a difficult intellectual game because, you see, she knew that money would come out of the system.

Money comes into the pot and then, based on that pot, you divvy it up: some for education; some for health; some for community and social services; some for labour—not much there; some for environment—not much there either; and natural resources—not much there. But it's divvied up, right? So when you take 500 million bucks to give away to the private schools, where do you find that tree? Where do you pick it up from? It's got to come from somewhere. You can't take it out of health, because you've been taking a beating on that one. You can't take it out of there. You've decimated the Ministry of the Environment, the Ministry of Natural Resources, the Ministry of Labour, the Ministry of Culture—whatever you've got that's under your control that you don't want to govern. Where is the money going to come from except education? So when M<sup>me</sup> Ecker said a couple of years ago that it would take \$300 million out of the public system, she was right.

I understand that now she has to play a game and say, "No, no, no. It will come from somewhere else." She says, "We support the public system and we support it strongly." So I say to the minister, how could you do that and take \$2.3 billion out of the system? It makes no sense. Through you, Speaker, if you take \$2.3 billion out of the system, you're not helping the educational system; you're helping to destroy it.

**Ms Marilyn Mushinski (Scarborough Centre):** Rubbish.

**Mr Marchese:** I know you don't agree, former Minister of Culture. I know you don't agree with that. I understand that. But I'm talking to the public. I'm talking to the good taxpayers who follow the proceedings of this place and love the political debate. I'm talking to them directly. I say to you, Speaker, "Alas, poor teachers, I

knew them well." I no longer recognize the educational system. I no longer recognize the teachers, I no longer recognize the students, because since these Tories have come into power they have inalterably changed things beyond recognition. And they are right. When they came, they said, "We will change this place unlike you've ever

seen. You won't be able to recognize what came before." And they did.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 1:30 of the clock on Monday.

*The House adjourned at 1800.*



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